

# CRIME AND JUSTICE IN COLORADO | 2008-2010

OFFICE OF RESEARCH AND STATISTICS  
DIVISION OF CRIMINAL JUSTICE  
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# Crime and Justice in Colorado | 2008-2010



**March 2011**

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# Crime and Justice in Colorado



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April 25, 2011

**To The Reader:**

On behalf of the Division of Criminal Justice, I am pleased to present the most recent edition of *Crime and Justice in Colorado*. Each edition builds upon and updates prior volumes. In particular, Section 6, *Special Features*, provides a closer look at selected issues and these topics differ in every edition. The current edition, along with the 2004 and 2006 editions, can be found on-line at the Division's web site, [http://dcj.state.co.us/ors/research\\_documents.htm](http://dcj.state.co.us/ors/research_documents.htm).

Please note that some of the numbers in this report, especially state population numbers, may vary across tables and figures. This occurs because the information is derived from a variety of sources, and population numbers are based on estimates which are continually updated as new information becomes available.

Additionally, data about race and ethnicity may vary within this report because the specific information collected varies across organizations. For example, agencies that collect race and not ethnicity usually include Hispanics in the White/Caucasian category. Information separating Hispanic individuals from non-Hispanic becomes available when agencies collect this data.

I would like to specially commend Kim English, manager of our Office of Research and Statistics, and the research staff for their fine work in creating this compendium.

We hope that you find *Crime and Justice in Colorado* to be useful. Please feel free to email comments or questions to [kim.english@cdps.state.co.us](mailto:kim.english@cdps.state.co.us).

Sincerely,

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*Office of Research and Statistics  
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Colorado Department of Public Safety*

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## Section 1: Introduction



The Office of Research and Statistics (ORS), Colorado Division of Criminal Justice (DCJ) presents to the State this comprehensive picture of the criminal and juvenile justice systems. Relying heavily on graphics and a non-technical format it brings together a wide variety of data from multiple sources, including the Division of Criminal Justice's (DCJ) own databases, the Colorado Bureau of Investigation (CBI), the Colorado Judicial Branch, the Department of Corrections (DOC), and the Division of Youth Corrections (DYC).

**The most recent data available are presented here.** Depending on the data source, the latest dates vary between 2006 and 2010.

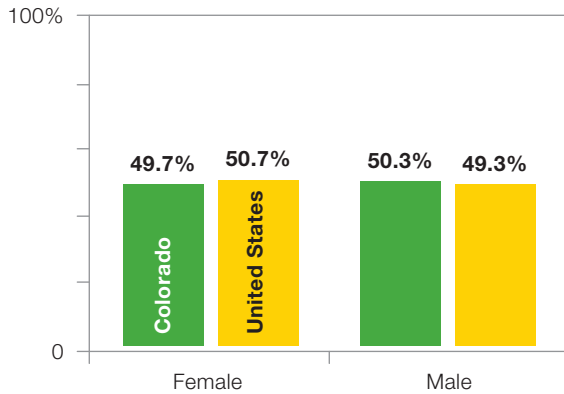
Because this report analyzes many rich data sources and is presented with the use of graphics and short descriptions, it should be of interest to the general public, elected governmental officials and criminal justice practitioners. The report attempts to assist the state as it seeks to appreciate the complexity of the crime problem and the criminal justice system response.

## Colorado vs. nationwide

It is useful to compare the information that follows throughout this document with a few basic state and national reference points.

### Gender

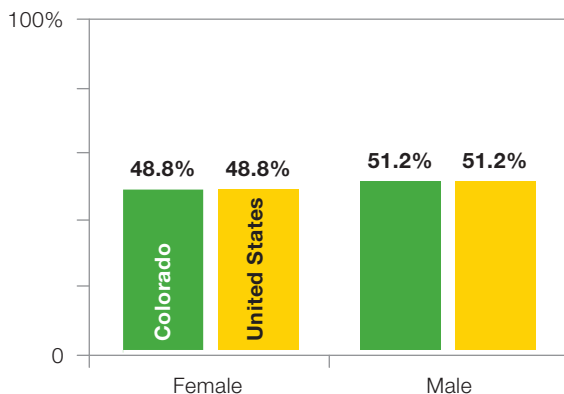
Figure 1.1. Gender: Colorado and nationwide, 2009



Source: U.S. Census Bureau, 2009 American Community Survey. Available at [http://factfinder.census.gov/servlet/DatasetMainPageServlet?\\_program=ACS&\\_submenuId=&\\_lang=en&\\_ts=](http://factfinder.census.gov/servlet/DatasetMainPageServlet?_program=ACS&_submenuId=&_lang=en&_ts=).

- In 2009, Colorado had a total (adult and juvenile) population of 5.0 million--2.5 million females (50 percent) and 2.5 million males (50 percent). Colorado ranked fifth in the nation in the ratio of male to females. Alaska has the highest male to female ratio, while the District of Columbia had the lowest male to female ratio.

Figure 1.2. Juvenile population (0-17 years old) by gender: Colorado and nationwide, 2009

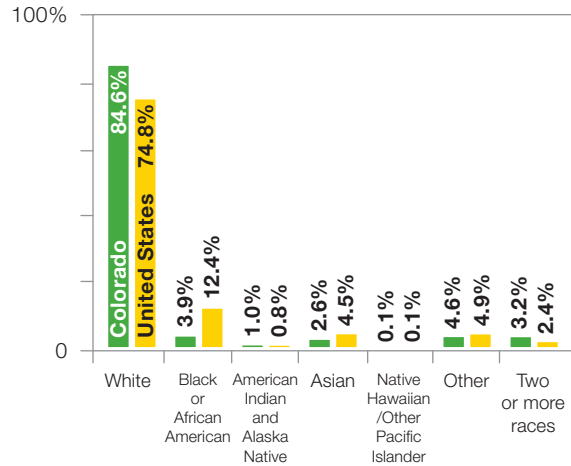


Source: U.S. Census Bureau, 2009 American Community Survey. Available at [http://factfinder.census.gov/servlet/DatasetMainPageServlet?\\_program=ACS&\\_submenuId=&\\_lang=en&\\_ts=](http://factfinder.census.gov/servlet/DatasetMainPageServlet?_program=ACS&_submenuId=&_lang=en&_ts=).

- The juvenile population in Colorado in 2009 was 1.2 million—51 percent were males and 49 percent

were females. The United States had the same male to female ratio.

Figure 1.3. Race: Colorado and nationwide, 2009

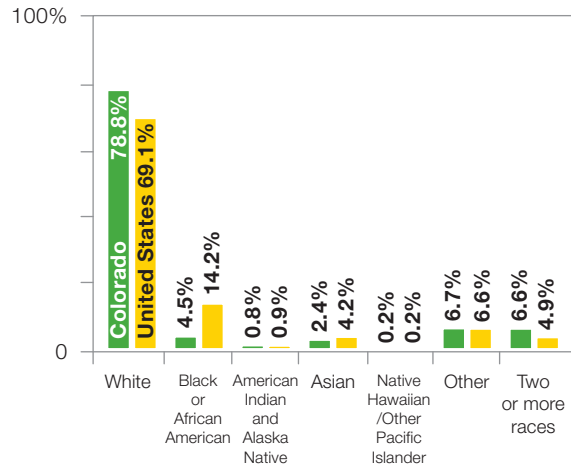


Source: U.S. Census Bureau, 2009 American Community Survey. Available at [http://factfinder.census.gov/servlet/DatasetMainPageServlet?\\_program=ACS&\\_submenuId=&\\_lang=en&\\_ts=](http://factfinder.census.gov/servlet/DatasetMainPageServlet?_program=ACS&_submenuId=&_lang=en&_ts=).

### Race

- Ninety-seven percent of Coloradans associated themselves with one specific race, while the other three percent identified themselves with two or more races.
- Colorado ranked 19th in the percentage of the population that identified themselves as white alone. Vermont was the highest at 95.8 percent, and Hawaii was lowest at 26.9 percent.

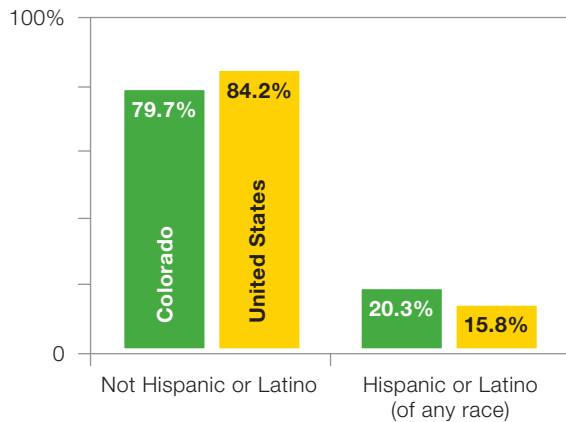
Figure 1.4. Juvenile population (0-17 years old) by race: Colorado and nationwide, 2009



Source: U.S. Census Bureau, 2009 American Community Survey. Available at [http://factfinder.census.gov/servlet/DatasetMainPageServlet?\\_program=ACS&\\_submenuId=&\\_lang=en&\\_ts=](http://factfinder.census.gov/servlet/DatasetMainPageServlet?_program=ACS&_submenuId=&_lang=en&_ts=).

- Colorado was ranked 34th for the percentage of the population that was black or African American alone. The District of Columbia was the highest at 53.2 percent, while Montana was the lowest at 0.3 percent.
- In 2009, 79 percent of Colorado's juvenile population (ages 0-17 years old) identified themselves as white alone. This was higher than the national average (69 percent). Those identifying as black or African American alone in Colorado made up 4.5 percent of the juvenile population which was lower than the national average (14.2 percent).

Figure 1.5. Ethnicity: Colorado and nationwide, 2009

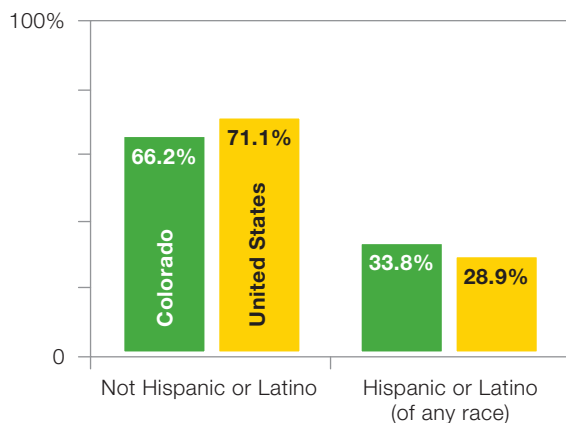


**Source:** U.S. Census Bureau, 2009 American Community Survey. Available at [http://factfinder.census.gov/servlet/DatasetMainPageServlet?\\_program=ACS&\\_submenuid=&\\_lang=en&\\_ts=](http://factfinder.census.gov/servlet/DatasetMainPageServlet?_program=ACS&_submenuid=&_lang=en&_ts=).

## Ethnicity

- One in five Coloradans was of Hispanic or Latino origin in 2009.

Figure 1.6. Juvenile population (0-17 years old) by ethnicity: Colorado and nationwide, 2009

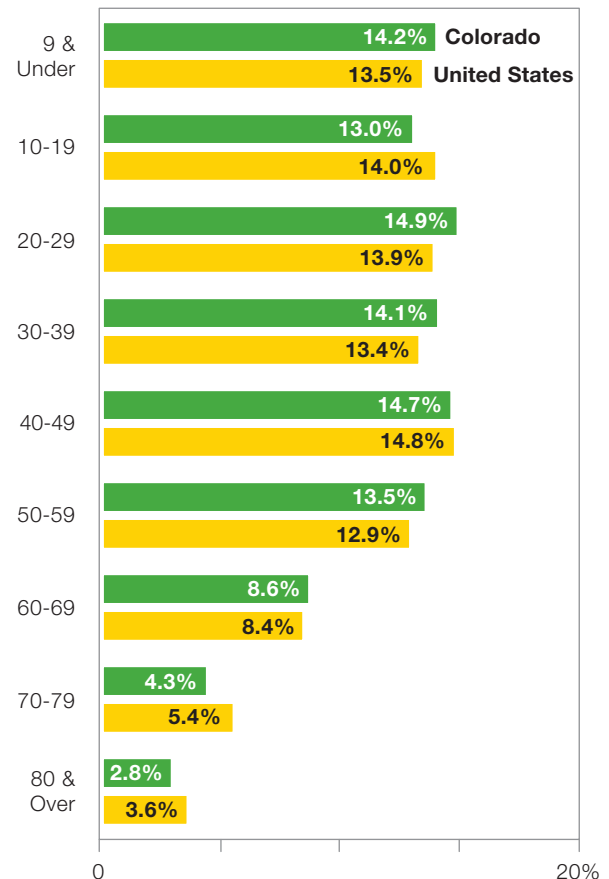


**Source:** U.S. Census Bureau, 2009 American Community Survey. Available at [http://factfinder.census.gov/servlet/DatasetMainPageServlet?\\_program=ACS&\\_submenuid=&\\_lang=en&\\_ts=](http://factfinder.census.gov/servlet/DatasetMainPageServlet?_program=ACS&_submenuid=&_lang=en&_ts=).

- Thirty-four percent of the juveniles in Colorado were Hispanic compared to 28.9 percent of juveniles in the U.S.

## Age

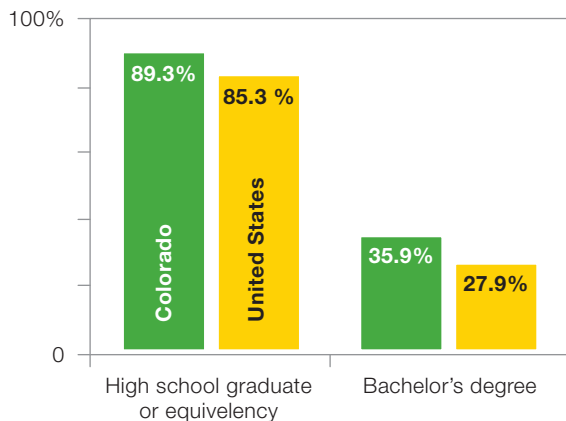
Figure 1.7. Age: Colorado and nationwide, 2009



**Source:** U.S. Census Bureau, 2009 American Community Survey. Available at [http://factfinder.census.gov/servlet/DatasetMainPageServlet?\\_program=ACS&\\_submenuid=&\\_lang=en&\\_ts=](http://factfinder.census.gov/servlet/DatasetMainPageServlet?_program=ACS&_submenuid=&_lang=en&_ts=).

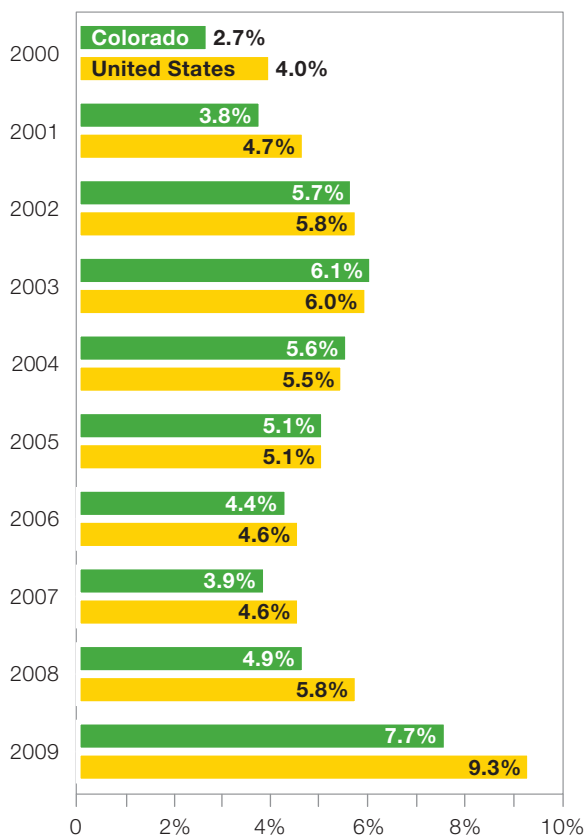
- The median age in Colorado is 35.7 years old which is a year younger than the national median age of 36.8 years old.
- Twenty-seven percent of the population in Colorado was 19 years old and younger while 10.6 percent was 65 years and older. Colorado ranked 50th for the total population who are 65 years and older. Florida was ranked highest at 30.9 percent, while Alaska was lowest at 15.4 percent.

Figure 1.8. Educational attainment: Colorado and nationwide, 2009



Source: U.S. Census Bureau, 2009 American Community Survey. Available at [http://factfinder.census.gov/servlet/DatasetMainPageServlet?\\_program=ACS&\\_submenuId=&\\_lang=en&\\_ts=](http://factfinder.census.gov/servlet/DatasetMainPageServlet?_program=ACS&_submenuId=&_lang=en&_ts=).

Figure 1.9. Unemployment rates: Colorado and nationwide, 2000-2009



Notes: Unemployment rates are based on percentages of the available labor force. Data refers to place of residence. The data has been revised to incorporate updated population controls and re-estimations.

Source: US Department of Labor, Bureau of Labor Statistics. Available at <http://www.bls.gov/bls/unemployment.htm>

- In 2009, 89.3 percent of the people in Colorado 25 years and over had at least graduated from high school and 35.9 percent had earned a bachelor's degree.
- Colorado ranked third in the proportion of the population holding a bachelor's degree behind the District of Columbia and Massachusetts.
- Colorado's unemployment rate has fluctuated over the past several years. It has increased 185 percent from 2000 (2.7 percent) to 2009 (7.7 percent). During the same period, the national unemployment rate rose from 4.0 to 9.3 percent.
- In 2009, Colorado ranked 16th in the proportion of the population (16 to 64 years old) who were employed.

### Behavioral health treatment:

- Provided below are some national rankings on behavioral health treatment in Colorado:
  - > Per capita spending on mental health services - Rank 32nd, at \$74.28<sup>1</sup>
  - > Staffed inpatient psychiatric care beds - Rank 50th, at 11.8 per 100,000<sup>2</sup>
  - > Percent of those needing but not receiving drug treatment - Rank 44th, at 2.87%<sup>3</sup>
  - > Percent of those needing but not receiving alcohol treatment - Rank 43rd, at 8.56%<sup>4</sup>
  - > Percent of substance abuse treatment facilities providing no-charge treatment for clients who cannot pay - Rank 50th, at 26.5%<sup>5</sup>
  - > According to the National Alliance for Mentally Ill (NAMI) report on Grading the States 2009,<sup>6</sup> the nation's mental health care system received a dismal D while Colorado scored one better with a C.

<sup>1</sup> National Association of State Mental Health Directors Research Institute, Inc. (2005). Available at <http://www.nri-inc.org/projects/Profiles/RevExp2005/T24.pdf>.

<sup>2</sup> American College of Emergency Physicians. Available at <http://www.emreportcard.org/Colorado.aspx>.

<sup>3</sup> SAMHSA State Estimates of Substance Use from the 2005-2006 National Surveys on Drug Use and Health (<http://www.oas.samhsa.gov/states.cfm>).

<sup>4</sup> SAMHSA State Estimates of Substance Use from the 2005-2006 National Surveys on Drug Use and Health (2008). Available at <http://www.oas.samhsa.gov/states.cfm>.

<sup>5</sup> SAMHSA National Survey on Substance Abuse Treatment Services: 2007 State Estimates on Substance Use (2008). Available at <http://www.oas.samhsa.gov/dasis.html#nssats2>.

<sup>6</sup> L. Aron, et al. (2009). Grading the States 2009: A Report on America's Health Care System for Adults with Serious Mental Illness. Arlington, VA: National Alliance on Mental Illness.

Figure 1.10. NAMI score cards: United States vs. Colorado

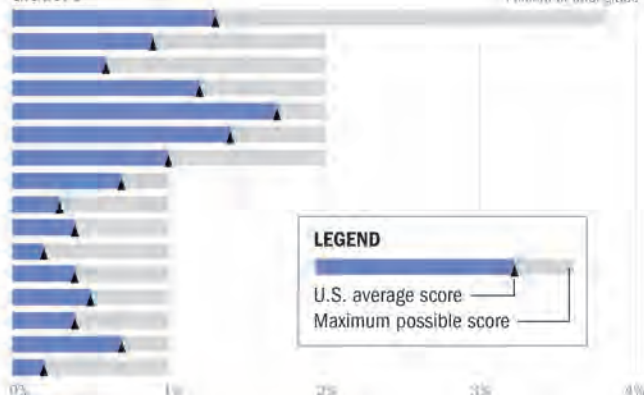
## NAMI Score Card: UNITED STATES

Grade: D

### Category I: Health Promotion & Measurement

Workforce Development Plan  
State Mental Health Insurance Parity Law  
Mental Health Coverage in Programs for Uninsured  
Quality of Evidence-Based Practices Data  
Quality of Race/Ethnicity Data  
Have Data on Psychiatric Beds by Setting  
Integrate Mental and Primary Health Care  
Joint Commission Hospital Accreditation  
Have Data on ER Wait-times for Admission  
Reductions in Use of Seclusion & Restraint  
Public Reporting of Seclusion & Restraint Data  
Wellness Promotion/Mortality Reduction Plan  
State Studies Cause of Death  
Performance Measure for Suicide Prevention  
Smoking Cessation Programs  
Workforce Development Plan - Diversity Components

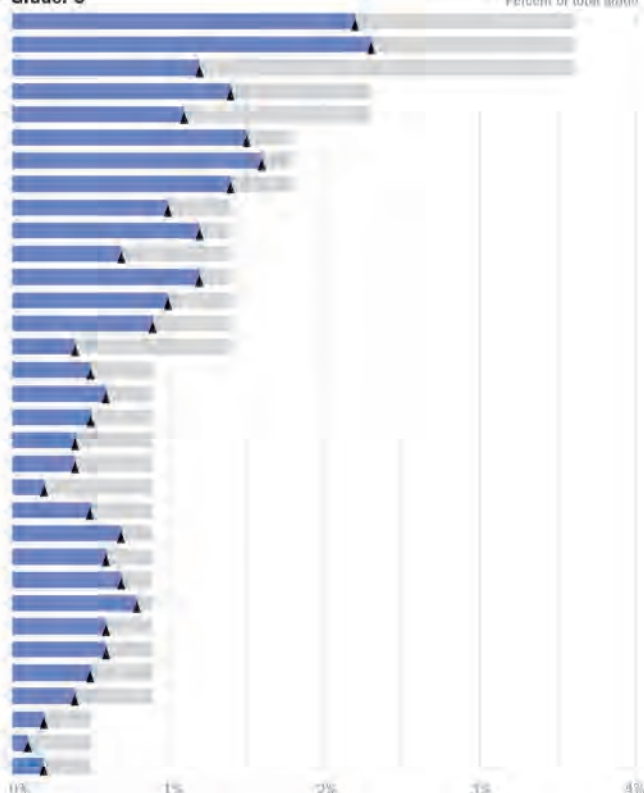
Grade: D



### Category II: Financing & Core Treatment/Recovery Services

Workforce Availability  
Inpatient Psychiatric Bed Capacity  
Cultural Competence - Overall Score  
Share of Adults with Serious Mental Illness Served  
Assertive Community Treatment (ACT) - per capita  
ACT (Medicaid pays part/all)  
Targeted Case Management (Medicaid pays)  
Medicaid Outpatient Co-pays  
Mobile Crisis Services (Medicaid pays)  
Transportation (Medicaid pays)  
Peer Specialist (Medicaid pays)  
State Pays for Benzodiazepines  
No Cap on Monthly Medicaid Prescriptions  
ACT (availability)  
Certified Clubhouse (availability)  
State Supports Co-occurring Disorders Treatment  
Illness Self Management & Recovery (Medicaid pays)  
Family Psychoeducation (Medicaid pays)  
Supported Housing (Medicaid pays part)  
Supported Employment (Medicaid pays part)  
Supported Education (Medicaid pays part)  
Language Interpretation/Translation (Medicaid pays)  
Telemedicine (Medicaid pays)  
Access to Antipsychotic Medications  
Clinically-Informed Prescriber Feedback System  
Same-Day Billing for Mental Health & Primary Care  
Supported Employment (availability)  
Integrated Dual Diagnosis Treatment (availability)  
Permanent Supported Housing (availability)  
Housing First (availability)  
Illness Self Management & Recovery (availability)  
Family Psychoeducation (availability)  
Services for National Guard Members/Families

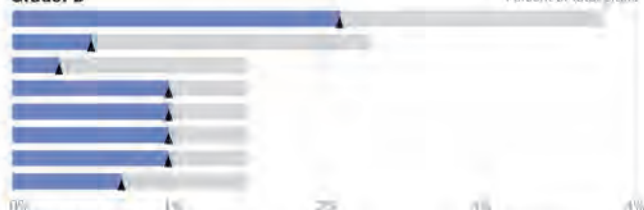
Grade: C



### Category III: Consumer & Family Empowerment

Consumer & Family Test Drive (CFTD)  
Consumer & Family Monitoring Teams  
Consumer/Family on State Pharmacy (P&T) Committee  
Consumer-Run Programs (availability)  
Promote Peer-Run Services  
State Supports Family Education Programs  
State Supports Peer Education Programs  
State Supports Provider Education Programs

Grade: D



### Category IV: Community Integration & Social Inclusion

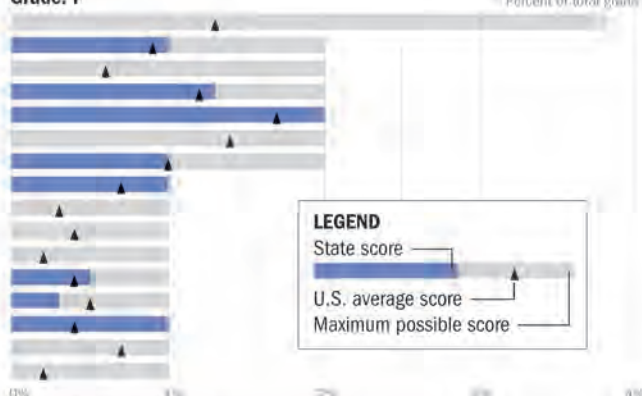
Housing - Overall Score  
Suspend/Restore Medicaid Post-Incarceration  
Jail Diversion Programs (availability)  
Reentry Programs (availability)  
Mental Illness Public Education Efforts  
State Supports Police Crisis Intervention Teams (CIT)  
Mental Health Courts - Overall Score  
Mental Health Courts - per capita

Grade: D

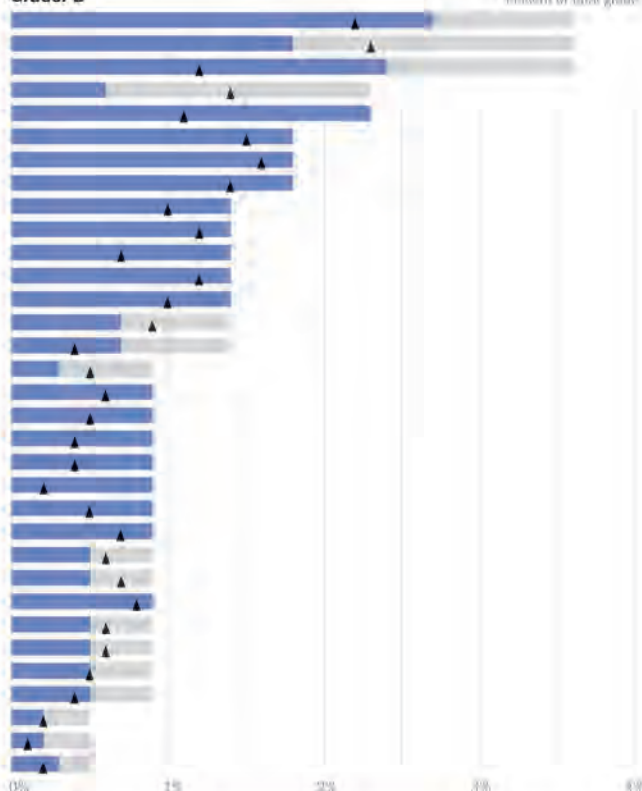


**NAMI Score Card: COLORADO****Grade: C****Category I: Health Promotion & Measurement**

Workforce Development Plan  
 State Mental Health Insurance Parity Law  
 Mental Health Coverage in Programs for Uninsured  
 Quality of Evidence-Based Practices Data  
 Quality of Race/Ethnicity Data  
 Have Data on Psychiatric Beds by Setting  
 Integrate Mental and Primary Health Care  
 Joint Commission Hospital Accreditation  
 Have Data on ER Wait-times for Admission  
 Reductions in Use of Seclusion & Restraint  
 Public Reporting of Seclusion & Restraint Data  
 Wellness Promotion/Mortality Reduction Plan  
 State Studies Cause of Death  
 Performance Measure for Suicide Prevention  
 Smoking Cessation Programs  
 Workforce Development Plan - Diversity Components

**Grade: F****Category II: Financing & Core Treatment/Recovery Services**

Workforce Availability  
 Inpatient Psychiatric Bed Capacity  
 Cultural Competence - Overall Score  
 Share of Adults with Serious Mental Illness Served  
 Assertive Community Treatment (ACT) - per capita  
 ACT (Medicaid pays part/all)  
 Targeted Case Management (Medicaid pays)  
 Medicaid Outpatient Co-pays  
 Mobile Crisis Services (Medicaid pays)  
 Transportation (Medicaid pays)  
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 State Supports Co-occurring Disorders Treatment  
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 Supported Housing (Medicaid pays part)  
 Supported Employment (Medicaid pays part)  
 Supported Education (Medicaid pays part)  
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 Access to Antipsychotic Medications  
 Clinically-Informed Prescriber Feedback System  
 Same-Day Billing for Mental Health & Primary Care  
 Supported Employment (availability)  
 Integrated Dual Diagnosis Treatment (availability)  
 Permanent Supported Housing (availability)  
 Housing First (availability)  
 Illness Self Management & Recovery (availability)  
 Family Psychoeducation (availability)  
 Services for National Guard Members/Families

**Grade: B****Category III: Consumer & Family Empowerment**

Consumer & Family Test Drive (CFTD)  
 Consumer & Family Monitoring Teams  
 Consumer/Family on State Pharmacy (P&T) Committee  
 Consumer-Run Programs (availability)  
 Promote Peer-Run Services  
 State Supports Family Education Programs  
 State Supports Peer Education Programs  
 State Supports Provider Education Programs

**Grade: C****Category IV: Community Integration & Social Inclusion**

Housing - Overall Score  
 Suspend/Restore Medicaid Post-Incarceration  
 Jail Diversion Programs (availability)  
 Reentry Programs (availability)  
 Mental Illness Public Education Efforts  
 State Supports Police Crisis Intervention Teams (CIT)  
 Mental Health Courts - Overall Score  
 Mental Health Courts - per capita

**Grade: D**

**Source:** L. Aron, et al. (2009). Grading the States 2009: A Report on America's Health Care System for Adults with Serious Mental Illness. Arlington, VA: National Alliance on Mental Illness. Available at [http://www.nami.org/gtsTemplate09.cfm?Section=Grading\\_the\\_States\\_2009](http://www.nami.org/gtsTemplate09.cfm?Section=Grading_the_States_2009).

## Section 2: The criminal event



This section presents an overview of crime in Colorado and the nation using data that addresses such questions as:

- What is a crime?
- What is the difference between a felony and a misdemeanor?
- What are some common crimes?
- What do crime rates really measure?
- Is crime going up or down in Colorado?
- What about drug crimes?
- Is methamphetamine use common in Colorado?
- Does treatment work?

## The criminal event

### What is a crime?

Crimes are acts and behaviors defined by law for which a formally sanctioned punishment is specified. What is included in the definition of a crime varies across federal, state and local jurisdictions. Accurately and consistently defining a crime is the first step toward the goal of obtaining accurate crime statistics.

### How do felonies differ from misdemeanors?

Criminal offenses are classified according to how they are handled by the criminal justice system. Most jurisdictions recognize two classes of offenses: felonies and misdemeanors.

A felony is defined by the Colorado Constitution as any criminal offense punishable by death or imprisonment in the penitentiary.

Misdemeanors are often less serious crimes resulting in a fine, a sentence to the county jail or probation supervision.

### How do violent and property crimes differ?

Violent crime refers to events such as homicide, rape and assault that may result in injury to a person. Robbery is also considered a violent crime because it involves the use or threat of force against a person.

Violent crimes account for approximately 22 percent of all crimes perpetrated against those over the age of 12, according to the 2009 National Crime Victimization Survey published by the U.S. Bureau of Justice Statistics, the most recent NCVS data available. This figure excludes murder since NCVS is based on interviews with victims and so cannot measure murder.

Property crimes are unlawful acts with the intent of gaining property but do not involve the use or threat of force against an individual. Larceny, burglary, and motor vehicle theft are examples of property crimes.

### What are some other common crimes in the United States?

**Drug abuse violations** are offenses related to growing, manufacturing, possessing, using, selling, or distributing narcotic and dangerous non-narcotic drugs. A distinction is made between possession and sale or manufacturing.

**Sex crimes** refer to a broad category of crimes that have a sexual element.

**Fraud offenses** include the practice of deceit or intentional misrepresentation of fact with the intent of depriving a person of property or legal rights.

**Status offenses** are acts that are illegal only if committed by a juvenile, for example, truancy.

### Sources of crime reporting: UCR and NCVS

These two sources of crime information, Uniform Crime Report and National Crime Victimization Survey, concentrate on measuring certain well-defined crimes. The UCR's Part One Index and the NCVS do not include all possible criminal events. Both data sources use commonly understood definitions rather than legal definitions of crime. The UCR data reflect crimes known to law enforcement and are typically reported by the FBI as "offenses" and "arrests." The NCVS data reflect crime victimization experiences of individuals over the age of 12 living in thousands of U.S. households. These two sources of crime information are described in detail below.

"Crime" covers a wide range of events. It isn't always possible to tell whether an event is a crime. For example, if your personal property is missing, you may not know for certain whether it was stolen or simply misplaced.

### The UCR Part One Index shows trends in eight major crimes

In 1927, the International Association of Chiefs of Police (IACP) formed a committee to create a uniform system for gathering police statistics. The goal was to develop a national system of statistics that would overcome variations in the way crimes were defined in different parts of the country. The FBI's UCR program began in 1929 by collecting data on seven major crimes: homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft, and motor vehicle theft. Arson was added as the eighth UCR index offense in 1978. Crimes in the index were selected based on seriousness, frequency of occurrence and likelihood of coming to the attention of police, and are used as the basis for measuring crime.

UCR data are reported by local law enforcement agencies to the Colorado Bureau of Investigation (CBI). The CBI analyzes the data for its Crime in Colorado report and also transmits it to the FBI to be included in national statistics.

### The NCVS

The National Crime Victimization Survey began in 1973 to provide information about crimes that might not be

reported to police. It also was developed to provide detailed information from crime victims and victimization trends over time. The survey was significantly redesigned and updated in 1993 to improve the questions and broaden the scope of crimes measured.

The NCVS collects data twice each year from thousands of U.S. households. Each household stays in the sample for three years, and new households are rotated into the sample on an ongoing basis. The U.S. Census Bureau conducts individual interviews on behalf of the U.S. Bureau of Justice Statistics, the agency mandated to manage the Survey. In 2009, the most recent year for which data are available, 38,728 households and 68,665 individuals age 12 or older were interviewed. Each household was interviewed twice during the year. The response rate was 91.8 percent of households and 87.0 percent of eligible individuals.

The NCVS collects detailed information on the frequency and nature of the crimes of rape, sexual assault, personal robbery, aggravated and simple assault, household burglary, theft and motor vehicle theft. It does not measure homicide or commercial crimes (such as burglaries of stores). The information collected includes information about victims (age, sex, race, ethnicity, marital status, income, and education level), offenders when known (sex, race, approximate age and victim-offender relationship) and the crime (time, place, use of weapons, nature of injury and economic consequences). Questions include experiences of victims with the criminal justice system, and self-protective measures used by the victim.

## Reporting rates

To be included in crime statistics, the act must be reported to law enforcement. Not all crimes are reported to police agencies, and not all reported crime results in an arrest. Consequently, crime statistics collected by law enforcement

agencies typically fall into two categories: information on known offenses and persons arrested by police departments.

The NCVS provides valuable information about crimes that occurred but were never reported to law enforcement agencies. According to the 2009 NCVS, the most recent survey data available, almost half (49.0 percent) of violent crimes and 39.0 percent of property crimes were reported to law enforcement agencies (See Table 2.1). Table 2.2 shows that reporting rates vary somewhat by type of crime, gender and ethnicity. In particular, violent crimes against blacks were more likely to be reported to police.

Table 2.1. Percent of crimes reported to police, 2009

| <b>Violent crime</b>  | <b>48.6%</b> |
|-----------------------|--------------|
| Rape/sexual assault   | 55.4%        |
| Robbery               | 68.4%        |
| Aggravated assault    | 58.2%        |
| Simple assault        | 41.9%        |
| <b>Property crime</b> | <b>39.4%</b> |
| Burglary              | 57.3%        |
| Motor vehicle theft   | 84.6%        |
| Theft                 | 31.8%        |

**Source:** Truman, J.L. & Rand, M.R. (2010). *Criminal victimization, 2009*. National Crime Victimization Survey. Washington, D.C.: Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice.

Table 2.2. Crimes reported to the police, by gender, race, and Hispanic origin, 2009

|               | <b>Violent</b> | <b>Property</b> |
|---------------|----------------|-----------------|
| <b>Total</b>  | <b>48.6%</b>   | <b>39.4%</b>    |
| <b>Male</b>   | <b>44.5%</b>   | <b>40.2%</b>    |
| White         | 43.2%          | 40.8%           |
| Black         | 52.8%          | 41.7%           |
| Other*        | 38.6%          | 30.7%           |
| Hispanic      | 46.2%          | 36.7%           |
| Non-Hispanic  | 44.2%          | 40.9%           |
| <b>Female</b> | <b>53.2%</b>   | <b>38.7%</b>    |
| White         | 52.1%          | 38.6%           |
| Black         | 58.7%          | 39.2%           |
| Other*        | 56.4%          | 40.1%           |
| Hispanic      | 48.7%          | 34.5%           |
| Non-Hispanic  | 54.0%          | 39.4%           |

**Note:** Total includes estimates for persons identifying with two or more races, not shown separately. Racial categories displayed are for persons who identified with one race.\*Other race includes American Indians, Alaska Natives, Asians, Native Hawaiians, and other Pacific Islanders.

**Source:** Truman, J.L. & Rand, M.R. (2010). *Criminal victimization, 2009*. National Crime Victimization Survey. Washington, D.C.: Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice.

**The NCVS was designed to complement the UCR program, but the two sources of crime data have important differences. The two programs measure an overlapping but non-identical set of crimes. The NCVS includes crimes both reported and not reported to law enforcement and it excludes crimes against children under 12, whereas the UCR data reflect only offenses reported to the police.**

### What are clearance rates?

An offense is “cleared by arrest” or solved for crime reporting purposes when at least one person is (1) arrested, (2) charged with the commission of the offense, and (3) turned over to the court for prosecution (whether following arrest, court summons, or police notice-to-appear). Also, although no physical arrest is made, a clearance by arrest can be claimed when the offender is a person under 18 years of age and is cited to appear in juvenile court or before other juvenile authorities.

According to the Federal Bureau of Investigation, approximately half of the nation’s violent crimes and 16-18 percent of nonviolent crimes are cleared by arrest. These figures have remained stable for decades. In 2005, two out of three murders and 41 percent of rapes were cleared by arrest but only 13 percent of burglaries and 13 percent of motor vehicle thefts were cleared.

***The criminal justice system handles only a fraction of the nation’s crimes. Less than half of all violent crimes are reported to law enforcement, and about half of those reported are cleared by arrest. About 40 percent of nonviolent crimes are reported to police and, of these, 16-18 percent are cleared by arrest.***

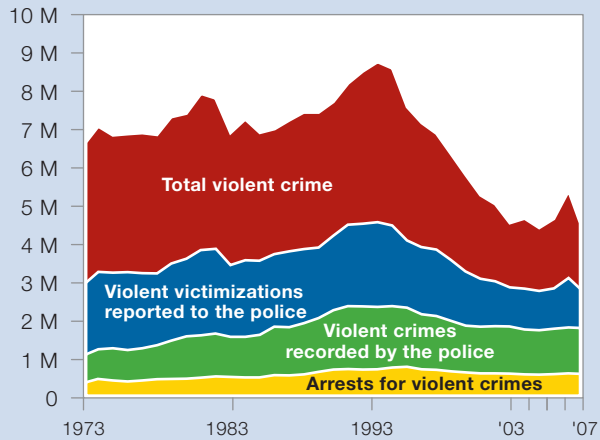
### Cleared by exceptional means

In certain situations, elements beyond law enforcement’s control prevent the agency from arresting and formally charging the offender. When this occurs, the agency can clear the offense exceptionally. Law enforcement agencies must meet the following four conditions in order to clear an offense by exceptional means. The agency must have:

- Identified the offender.
- Gathered enough evidence to support an arrest, make a charge, and turn over the offender to the court for prosecution.
- Identified the offender’s exact location so that the suspect could be taken into custody immediately.
- Encountered a circumstance outside the control of law enforcement that prohibits the agency from arresting, charging, and prosecuting the offender.

### Four violent crime measures from the NCVS and the UCR

Figure 2.1. Nationwide: Four measures of all violent crime



**Notes:** The serious violent crimes included are rape, robbery, aggravated assault, and homicide. Because of changes made to the victimization survey, data prior to 1992 are adjusted to make them comparable to data collected under the redesigned methodology. Estimates for 1993 and beyond are based on collection year while earlier estimates are made on data year.

**Source:** Bureau of Justice Statistics. (2008). National Crime Victimization Survey and Uniform Crime Reports. Available at <http://bjs.ojp.usdoj.gov/content/glance/cv2.cfm>.

### Total serious violent crime

The estimated number of homicides of persons age 12 and older recorded by police plus the number of rapes, robberies, and aggravated assaults from the victimization survey, whether or not they were reported to the police.

### Victimizations reported to the police

The estimated number of homicides of persons age 12 and older recorded by police plus the number of rapes, robberies, and aggravated assaults from the victimization survey that victims said were reported to the police.

### Crimes recorded by the police

The number of homicides, forcible rapes, robberies, and aggravated assaults included in the Uniform Crime Reports of the FBI excluding commercial robberies and crimes that involved victims under age 12.

### Arrests for violent crimes

The number of persons arrested for homicide, forcible rape, robbery or aggravated assault as reported by law enforcement agencies to the FBI.

Examples of exceptional clearances include, but are not limited to, the death of the offender (e.g., suicide or justifiably killed by police or citizen); the victim's refusal to cooperate with the prosecution after the offender has been identified; or the denial of extradition because the offender committed a crime in another jurisdiction and is being prosecuted for that offense. In the UCR program, the recovery of property does not clear an offense.

Table 2.3. FBI clearance rates, 2009

| Violent crime                        | 47.1 |
|--------------------------------------|------|
| Murder and nonnegligent manslaughter | 66.6 |
| Forcible rape                        | 41.2 |
| Robbery                              | 28.2 |
| Aggravated assault                   | 56.8 |
| Property crime                       | 18.6 |
| Burglary                             | 12.5 |
| Larceny-theft                        | 21.5 |
| Motor vehicle theft                  | 12.4 |

**Source:** Federal Bureau of Investigation. (2010). Crime in the United States 2009. Washington, D.C.: U.S. Department of Justice. Available at <http://www2.fbi.gov/ucr/cius2009/offenses/clearances/index.html#figure>.

### Is crime increasing or decreasing?

Overall, crime rates remain low.

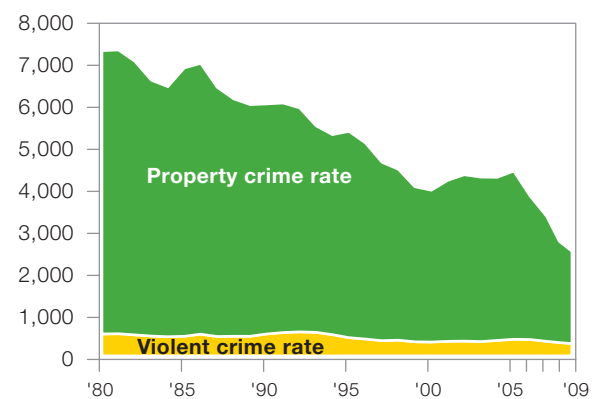
Crime has been decreasing for many years. In Colorado and nationwide, crime in 2003 was at its lowest point in decades. Crime in Colorado has fallen dramatically since 2005, and fell six percent between 2008 and 2009. In the past few years in Colorado, serious crime rates varied somewhat. Homicide rates remained relatively stable since 1996, totaling between 150 and 200 per year, but forcible rape rates generally increased in the past decade. Burglary and robbery remained relatively stable over the past decade, decreasing notably in the past few years.

Nationwide the pattern was similar. The estimated number of violent crimes in the nation declined from the previous year's total, according to the Federal Bureau of Investigation. The declining trend continued for property crimes. Figures from the FBI for 2009 indicate that, as a whole, law enforce-

ment agencies reported a 5.3 percent decrease in the number of violent crimes compared to 2008. In 2009, the number of property crimes in the United States decreased 4.6 percent when compared to data from 2008. Figures for 2009 indicated that arson decreased 10.8 percent when compared to 2008 figures.

The violent crime rate remains at a near-historic low. From 1960 to 1970, the national violent crime rate per 100,000 population (as measured by FBI index crimes of manslaughter, forcible rape, robbery and aggravated assault) rose 126 percent. From 1970 to 1980 the violent crime rate rose 64 percent. From 1980 to 1990 it rose 22 percent. Then, between 1990 and 2000, it dropped 31 percent nationally, and by 37 percent in Colorado. In fact, the national decline in the violent crime rate began in 1994 and continued through 2004.

Figure 2.2. Colorado's violent vs. property crime rates, 1980-2009



**Notes:** State offense totals are based on data from all reporting agencies and estimates for unreported areas. Rates are the number of reported offenses per 100,000 population.

**Source:** FBI, Uniform Crime Reports. Available at <http://www.ucrdatatool.gov/>.

### How much crime is there in Colorado?

In 2009, a total of 186,030 adult arrests were made by law enforcement agencies in Colorado, according to the Colorado Bureau of Investigation. Another 39,876 arrests of juveniles occurred. These numbers have declined since 2005 when last reported in this series, *Crime and Justice in Colorado*.

**The crime rate in Colorado has been declining generally since 1980. Crime rates remain at historic lows. Natural fluctuation means crime rates are likely to increase.**

<sup>1</sup> Brownstein, H. (1996) *The Rise and Fall of a Violent Crime Wave*. Monsey, NY: Criminal Justice Press.

Table 2.4. Number of Colorado arrests in recent years

| Year | Juveniles | Adults  | Total   |
|------|-----------|---------|---------|
| 2009 | 39,876    | 186,030 | 225,906 |
| 2008 | 46,395    | 190,499 | 236,894 |
| 2007 | 46,376    | 196,768 | 243,162 |
| 2006 | 44,985    | 207,819 | 252,804 |
| 2005 | 47,596    | 225,124 | 272,720 |

**Source:** Colorado Bureau of Investigation. (2006-2010). *Crime in Colorado*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbi.state.co.us/CNC/index.html>.

## Homicides

Homicide is the least frequent violent crime. In 2009, 169 homicides were reported in Colorado. Over two-thirds of the victims were men; 81 percent of the known perpetrators were men. Fifty-six percent of the homicides were committed with a firearm; another 14 percent involved knives. Thirty-eight percent of the homicides occurred in a residence or apartment. By comparison, in 2008 (the most recent year state-by-state data are available from the FBI), New Mexico had 142 homicides, Nevada had 163, Nebraska had 68, Kansas had 113, Arizona had 407, Wisconsin had 146, and New York had 836.

Table 2.5. Homicide victims in Colorado, 1999-2009

| Year | Number of victims |
|------|-------------------|
| 1999 | 187               |
| 2000 | 132               |
| 2001 | 143               |
| 2002 | 174               |
| 2003 | 168               |
| 2004 | 199               |
| 2005 | 170               |
| 2006 | 157               |
| 2007 | 150               |
| 2008 | 151               |
| 2009 | 169               |

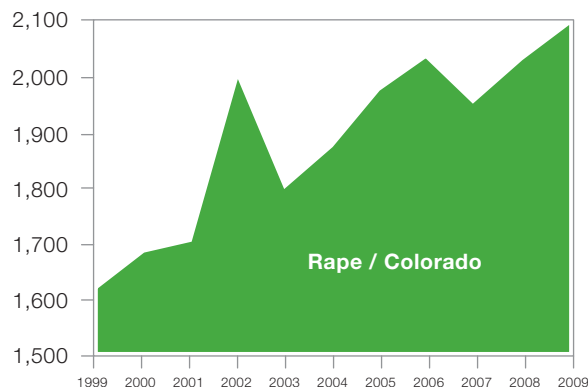
**Source:** Colorado Bureau of Investigation. (2000-2010). *Crime in Colorado: Supplemental Homicide*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbi.state.co.us/CNC/index.html>.

## Forcible rape

This crime is defined as involving force or threat of force. In 2009, 2,097 forcible rapes were reported to law enforcement agencies in Colorado, a 3.5 percent increase from 2008. Ninety-five percent were reported as completed rapes; five percent were reported as attempted offenses. While other crimes have declined in the last ten years, rapes in Colorado

have increased. In 1999, 1,617 rapes were reported to law enforcement, 29.7 percent fewer than in 2009.

Figure 2.3. Number of forcible rape offenses in Colorado, 1999-2009

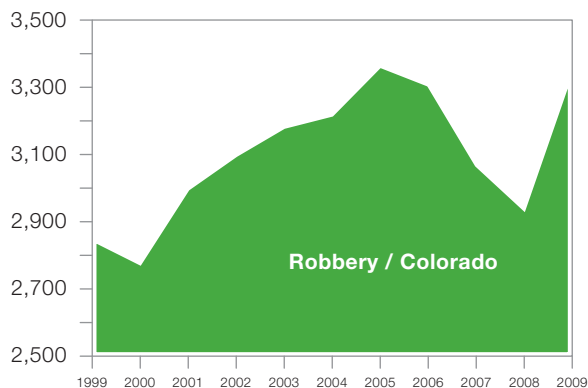


**Source:** Colorado Bureau of Investigation. (2000-2010). *Crime in Colorado*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbi.state.co.us/CNC/index.html>.

## Robbery

The FBI defines robbery as “the taking or attempting to take anything of value under confrontational circumstances from the control, custody or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.” In 2009, 3,310 robberies were reported to law enforcement in Colorado, an increase of 3.9 percent from the year before.

Figure 2.4. Number of robbery offenses in Colorado, 1999-2009

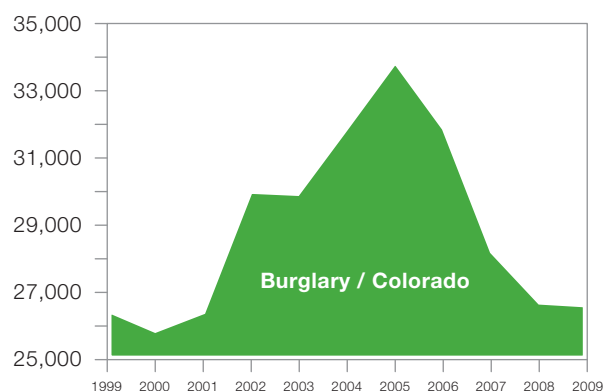


**Source:** Colorado Bureau of Investigation. (2000-2010). *Crime in Colorado*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbi.state.co.us/CNC/index.html>.

## Burglary

Burglaries numbered 25,647 in 2009, declining by 3.6 percent from the 2008 figure. Burglaries accounted for 59.1 percent of the major offenses reported. Fifty percent of the burglaries were reported as forced entry.

Figure 2.5. Number of burglary offenses in Colorado, 1999-2009

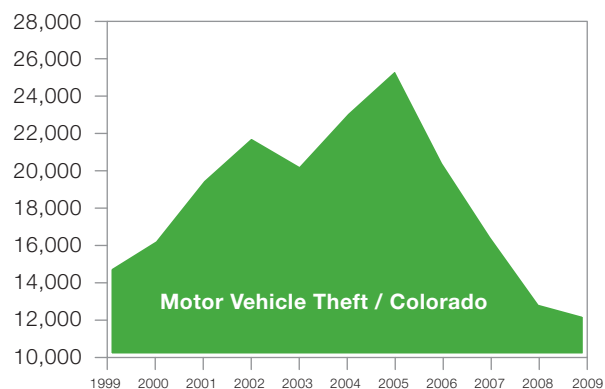


**Source:** Colorado Bureau of Investigation. (2000-2010). *Crime in Colorado*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbi.state.co.us/CNC/index.html>.

## Motor vehicle theft

In 2009, a total of 12,182 motor vehicle thefts were reported by law enforcement agencies in Colorado, a 4.4 percent decrease in motor vehicle thefts from 2008. Like other major crimes, motor vehicle thefts have declined since 2005.

Figure 2.6. Number of motor vehicle theft offenses in Colorado, 1999-2009



**Source:** Colorado Bureau of Investigation. (2000-2010). *Crime in Colorado*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbi.state.co.us/CNC/index.html>.

## Drug crimes

The number of adult drug arrests in Colorado in 2009 was the lowest since 1997. In FY 2010, 8,139 criminal filings in district court were drug offenses. This accounted for 22 percent of total district court filings. Over half (59.6 percent) of these filings were from 11 counties in five judicial districts (Jefferson/Gilpin; Denver; El Paso/Teller; Adams/Broomfield; Arapahoe/Douglas/Elbert/Lincoln).

The number of drug arrests for both adults and juveniles have remained relatively stable in the past decade.

Table 2.6. Drug arrests, CY 1999-2009

| Year | Adult drug arrests | Juvenile drug arrests |
|------|--------------------|-----------------------|
| 1999 | 18,330             | 3,945                 |
| 2000 | 16,686             | 3,855                 |
| 2001 | 15,780             | 4,084                 |
| 2002 | 15,144             | 3,746                 |
| 2003 | 15,116             | 3,581                 |
| 2004 | 16,319             | 3,562                 |
| 2005 | 17,352             | 3,860                 |
| 2006 | 16,266             | 3,627                 |
| 2007 | 15,672             | 3,705                 |
| 2008 | 15,032             | 3,731                 |
| 2009 | 14,050             | 3,332                 |

**Source:** Colorado Bureau of Investigation. (2000-2010). *Crime in Colorado*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbi.state.co.us/CNC/index.html>.

Table 2.7. Number of district court filings for drugs, FY 2000-FY 2010

| Year | Drug filings | Percent of total filings | Total district court filings |
|------|--------------|--------------------------|------------------------------|
| 2000 | 9,005        | 25.2%                    | 35,770                       |
| 2001 | 9,211        | 25.0%                    | 36,860                       |
| 2002 | 9,371        | 23.9%                    | 39,147                       |
| 2003 | 10,191       | 24.7%                    | 41,257                       |
| 2004 | 10,744       | 25.3%                    | 42,427                       |
| 2005 | 11,917       | 26.3%                    | 45,405                       |
| 2006 | 11,433       | 24.6%                    | 46,501                       |
| 2007 | 11,213       | 25.3%                    | 44,245                       |
| 2008 | 9,619        | 23.8%                    | 40,494                       |
| 2009 | 8,660        | 22.0%                    | 39,464                       |
| 2010 | 8,139        | 22.0%                    | 36,993                       |

**Source:** Colorado Judicial Branch. (2010). *Annual statistical report fiscal year 2010*. Denver, CO: Supreme Court of Colorado. Available at <http://www.courts.state.co.us/Administration/Unit.cfm/Unit/annrep>.

With minor fluctuation over time, drug crimes represent approximately one quarter of all total district court filings. Not surprisingly, drug offenses accounted for 23 percent of cases sentenced to prison in FY 2009.

### What types of drugs are involved?

Data collected and analyzed from a sample of 2006 district court files found that over half (56 percent) of the drug-related cases involved methamphetamine. The next most frequently charged drug offenses involved cocaine (25 percent), marijuana (18 percent), crack (7 percent) and heroin (3 percent). Over seven percent were charged with manufacture, cultivation or trafficking, another 32 percent were charged with distribution, sale or intent to sell. The largest proportion (60 percent) were charged with possession or use only. Compared to men, women were more likely to be charged with methamphetamine or heroin, and less likely to be charged with cocaine, crack or marijuana.

Table 2.8. Type of drug: Drug charges in 2006 (N=839)

| Drug type charged | Proportion of drug cases* |
|-------------------|---------------------------|
| Methamphetamine   | 56.0%                     |
| Cocaine           | 24.9%                     |
| Marijuana         | 18.1%                     |
| Crack             | 6.6%                      |
| Heroin            | 3.1%                      |
| Other Drugs**     | 9.9%                      |

**Note:** \* Percentages do not total 100% as drug types are not mutually exclusive. \*\* Includes LSD, MDMA, psilocybin, toxic vapors, prescription drugs, other opiates.

**Source:** Data collected by DCJ researchers from 10 judicial districts (17 counties: Denver, Jefferson, El Paso, Weld, Mesa, Boulder, Broomfield, Douglas, Teller, Gilpin, Jackson, Adams, Arapahoe, Elbert, Lincoln, and Larimer). These judicial districts were chosen based on the top 10 judicial districts for filings in 2005. The sample is comprised of 3,254 court cases from 2004, 2005, and 2006 that closed in 2006.

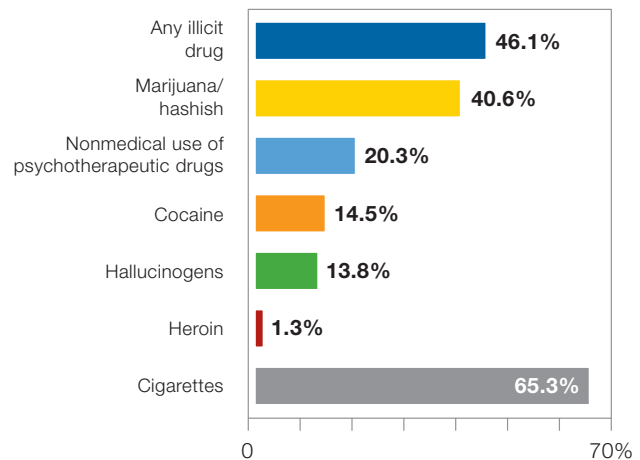
The type of drug charge varied with ethnicity in the 2006 sample. Two-thirds (66 percent) of whites charged with a drug crime were involved with methamphetamine-related crimes, 23 percent were charged with cocaine or crack, and 18.5 percent were charged with marijuana-related offenses. Eighty-three percent of blacks charged with drug crimes were charged with cocaine (50 percent) or crack (33 percent), 16 percent were charged with marijuana-related crimes, and three percent were involved with methamphetamine. Nearly half (49 percent) of the Hispanics who were charged with drug crimes were involved with cocaine- or crack-related crimes, 35 percent were charged with methamphetamine-related crimes, and 20 percent were charged with marijuana-related offenses. While very few white or

black defendants were charged with heroin-related offenses (1 percent and 2 percent, respectively), thirteen percent of Hispanic defendants were charged with heroin offenses.<sup>2</sup>

### How much drug abuse is there?

Illicit drug use is very common. Nearly half of the U.S. population aged 12 and over reported using an illicit drug in their lifetime, according to the National Survey on Drug Use and Health conducted by the Substance Abuse & Mental Health Services Administration (SAMHSA) (see Figure 2.7).<sup>3</sup> An estimated 19.8 million Americans aged 12 or older were current users of an illicit drug in 2007, representing eight percent of the population. In 2007, marijuana was the most widely used illicit substance in this country with 14.4 million people identifying themselves as current users of marijuana.<sup>4</sup> Just under half (47.4 percent) of America's teenagers have tried an illicit drug by the time they finish high school (See Figure 2.8).<sup>5</sup> This may be an

Figure 2.7. Nearly half of the U.S. population has used an illicit drug



**Source:** Substance Abuse and Mental Health Services Administration. (2008). *Results from the 2007 National Survey on Drug Use and Health: National Findings* (Office of Applied Studies, NSDUH Series H-34, DHHS Publication No. SMA 08-4343). Rockville, MD.

<sup>2</sup> DCJ's Office of Research and Statistics analyzed data on cases closed in 2006 from ten judicial districts across the state (1st, 2nd, 4th, 8th, 10th, and 17th through 21st). The data were hand-collected by DCJ staff that pulled individual case files and collected data on-site, with permission from officials at the Judicial Branch.

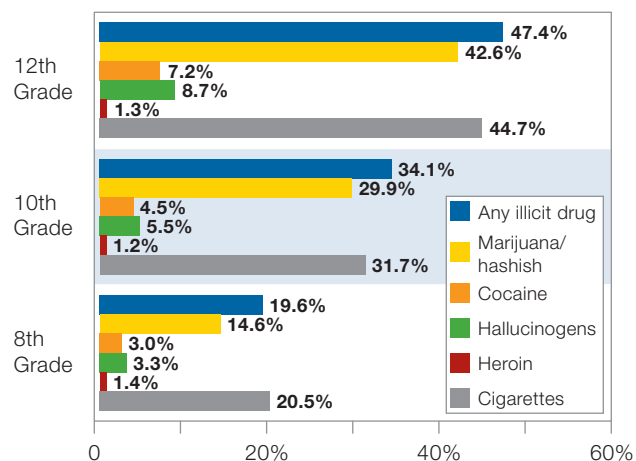
<sup>3</sup> Substance Abuse and Mental Health Services Administration. (2008). *Results from the 2007 National Survey on Drug Use and Health: National findings* (Office of Applied Studies, NSDUH Series H-34, DHHS Publication No. SMA 08-4343). Rockville, MD.

<sup>4</sup> Ibid.

<sup>5</sup> Johnston, L. D., O'Malley, P. M., Bachman, J. G., & Schulenberg, J. E. (2009). *Monitoring the future: National survey results on drug use, 1975-2008. Volume I: Secondary school students* (NIH Publication No. 09-7402). Bethesda, MD: National Institute on Drug Abuse.

underestimate, given that in Colorado the high school graduation rate is about 74 percent.<sup>6</sup>

Figure 2.8. Nearly half of teenagers have tried an illicit drug by the time they finish high school



Source: Johnston, L. D., O'Malley, P. M., Bachman, J. G., & Schulenberg, J. E. (2009). *Monitoring the future: National survey results on drug use, 1975-2008. Volume I: Secondary school students* (NIH Publication No. 09-7402). Bethesda, MD: National Institute on Drug Abuse.

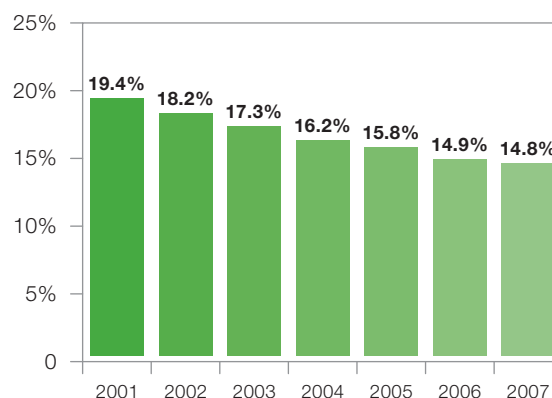
The National Highway Traffic Safety Administration estimates that drugs are used by approximately 10 to 22 percent of drivers involved in crashes, often in combination with alcohol.<sup>7</sup> At least half of the individuals arrested for major crimes including homicide, theft, and assault were under the influence of illicit drugs around the time of their arrest.<sup>8</sup> As many as 60 percent of adults in Federal prisons are there for drug-related crimes.<sup>9</sup>

Other social problems are associated with drug abuse, as well. Nearly one-third (31 percent) of America's homeless suffer from drug abuse or alcoholism.<sup>10</sup> Children with pre-natal cocaine exposure are more likely (1.5 times) to need special education services in school. Special education costs

for this population are estimated at \$23 million per year.<sup>11</sup> In 1997, illicit drug users were more likely than others to have missed 2 or more days of work in the past month and to have worked for three or more employers in the past year.<sup>12</sup>

An important study that tracks drug use trends by surveying high school students nationwide is called "Monitoring the Future." As shown in Figure 2.9, drug use among 8th, 10th and 12th graders has been declining since 2001. This study has also found that as student perceptions of harm and risk related to drug use increase, drug use decreases.

Figure 2.9. Fewer students reporting recent drug use



Source: Johnston, L. D., O'Malley, P. M., Bachman, J. G., & Schulenberg, J. E. (2007). *Monitoring the Future national results on adolescent drug use: Overview of key findings, 2008* (NIH Publication No. 07-5605). Bethesda, MD: National Institute on Drug Abuse.

## Mental illness and drug abuse

As a criminal event, it is important to understand the intersection of illegal drug use and mental illness. This intersection pulls many individuals into the criminal justice system who have both problems: substance abuse and addictions and serious mental illnesses, commonly referred to as co-occurring.

People with mental illness are particularly at risk for problems related to substance abuse. Individuals with mood or anxiety disorders are about twice as likely to also suffer from a drug disorder. Likewise, those with drug disorders are about twice as likely to be diagnosed with mood or anxiety disorders.<sup>13</sup>

<sup>6</sup> Colorado Department of Education statistics for 2008 (Available at [www.cde.state.co.us/index\\_stats.htm](http://www.cde.state.co.us/index_stats.htm)).

<sup>7</sup> National Highway Traffic Safety Administration. (1997). *Drug Impaired Driving*. Available at <http://www.nhtsa.dot.gov/people/outreach/safesobr/15qp/web/iddrug.html>.

<sup>8</sup> Workplace burden. (1993). Institute for Health Policy (Ed.), *Substance abuse: The nation's number one health problem: Key indicators for policy*. Princeton, NJ: The Robert Wood Johnson Foundation.

<sup>9</sup> National Center on Addiction and Substance Abuse at Columbia University. (1998). *Behind bars: Substance abuse and America's prison population*. New York: CASA.

<sup>10</sup> Office of National Drug Control Policy. (2000). *Homelessness and drug abuse in The National Drug Control Strategy 2000 Annual Report*. Available at [http://www.ncjrs.org/ondcppubs/publications/policy/ndcs00/chap2\\_10.html#5](http://www.ncjrs.org/ondcppubs/publications/policy/ndcs00/chap2_10.html#5).

<sup>11</sup> Lester B. (2003). *Prenatal Cocaine Exposure and 7-Year Outcome: IQ and Special Education*. Presentation at the Society for Pediatric Research Meeting, Washington, D.C.

<sup>12</sup> Substance Abuse and Mental Health Services Administration. (1994, 1997). *Office of Applied Studies, An Analysis of Worker Drug Use and Workplace Policies and Programs: Results from the NHSDA, 27*.

<sup>13</sup> National Institute on Drug Abuse. (2007, October). *Topics in Brief: Comorbid Drug Abuse and Mental Illness*. Available at [www.nida.nih.gov/tib/](http://www.nida.nih.gov/tib/).

### Why do these commonly co-occur?

There is mounting evidence that common genetic factors may predispose individuals to both mental disorders and addiction. Also, stress, trauma such as physical or sexual abuse, and early exposure to drugs can lead to addiction and to mental illness, particularly in those individuals with underlying genetic vulnerabilities. For example, early exposure to drugs of abuse can change the brain in ways that increase the risk for mental illness just as early symptoms of a mental disorder may increase vulnerability to drug abuse. Finally, certain areas of the brain are affected by both drug abuse and mental disorders, including brain circuits linked to reward processing and stress.<sup>14</sup>

***Drug addiction and mental illness often occur together. There is evidence that genetic factors, stress, trauma, and early exposure to drugs can change the brain in ways that make individuals vulnerable to both problems.***

### Can co-morbid substance abuse and mental illness be treated?

The common occurrence of these co-occurring disorders requires a comprehensive intervention that identifies, evaluates and simultaneously treats both disorders. This is challenging because some substance abuse treatment centers are biased against using any medications, including those necessary to treat patients with severe mental disorders. Research is underway to identify medications that target both disorders.<sup>15</sup>

### Does treatment work?

Drug addiction is a complex but treatable disease. It is characterized by compulsive drug craving, seeking, and use that persists even in the face of severe adverse consequences. For many people, drug abuse becomes chronic, with relapse possible even after long periods of abstinence. In fact, relapse to drug abuse occurs at rates similar to those for other well-characterized, chronic medical illnesses such as diabetes, hypertension, and asthma. As a chronic, recurring illness, addiction may require repeated episodes of treatment before

sustained abstinence is achieved. Through treatment tailored to individual needs, people with drug addiction can recover and lead productive lives.<sup>16</sup>

***Recovery from drug addiction is a long-term process and frequently requires multiple episodes of treatment.***

Scientific research since the mid-1970s shows that treatment can help many people change destructive behaviors, avoid relapse, and successfully remove themselves from a life of substance abuse and addiction. Recovery from drug addiction is a long-term process and frequently requires multiple episodes of treatment. Based on this research, key principles have been identified by the National Institute on Drug Abuse (NIDA) that should form the basis of any effective treatment program:

- No single treatment is appropriate for all individuals.
- Treatment needs to be readily available.
- Effective treatment attends to multiple needs of the individual, not just his or her drug addiction.
- An individual's treatment and services plan must be assessed often and modified to meet the person's changing needs.
- Remaining in treatment for an adequate period of time is critical for treatment effectiveness.
- Counseling and other behavioral therapies are critical components of virtually all effective treatments for addiction.
- For certain types of disorders, medications are an important element of treatment, especially when combined with counseling and other behavioral therapies.
- Addicted or drug-abusing individuals with coexisting mental disorders should have both disorders treated in an integrated way.
- Medical management of withdrawal syndrome is only the first stage of addiction treatment and by itself does little to change long-term drug use.
- Treatment does not need to be voluntary to be effective.

<sup>14</sup> National Institute on Drug Abuse. (2007, October). *Topics in Brief: Comorbid Drug Abuse and Mental Illness*. Available at [www.nida.nih.gov/tib/](http://www.nida.nih.gov/tib/).

<sup>15</sup> Ibid.

<sup>16</sup> This section on treatment efficacy is excerpted from NIDA at <http://www.nida.nih.gov/infofacts/treatmeth.html>.

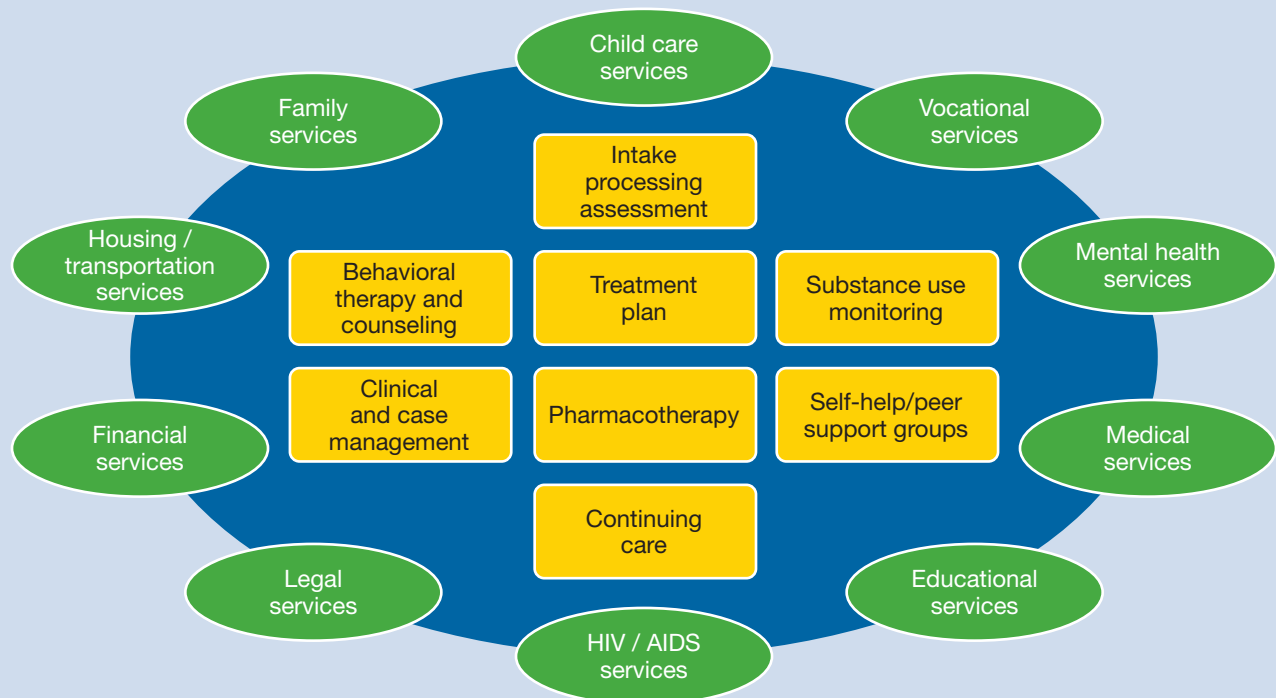
- Possible drug use during treatment must be monitored continuously.
- Treatment programs should provide assessment for HIV/AIDS, hepatitis B and C, tuberculosis, and other infectious diseases, and should provide counseling to help patients modify or change behaviors that place themselves or others at risk of infection.
- As is the case with other chronic, relapsing diseases, recovery from drug addiction can be a long-term process and typically requires multiple episodes of treatment, including “booster” sessions and other forms of continuing care.<sup>17</sup>

Medication and behavioral therapy, alone or in combination, are aspects of an overall therapeutic process that often begins with detoxification, followed by treatment and relapse prevention. Easing withdrawal symptoms can be important in the initiation of treatment; preventing relapse is necessary for maintaining its effects. And sometimes,

***When relapse rates for drug-addicted patients are compared with those suffering from diabetes, hypertension, and asthma, as shown in Figure 2.11, relapse is common and similar across these illnesses. Drug addiction is a complicated problem for the criminal justice system.***

as with other chronic conditions, episodes of relapse may require a return to prior treatment components. A continuum of care that includes a customized treatment regimen, addressing all aspects of an individual’s life, including medical and mental health services, and follow-up options (e.g., community- or family-based recovery support systems) can be crucial to a person’s success in achieving and maintaining a drug-free lifestyle.

Figure 2.10. Components of comprehensive drug abuse treatment



The best programs provide a combination of therapies and other services to meet an individual patient's needs. Specific needs may relate to age, race, culture, sexual orientation, gender, pregnancy, other drug use, co-morbid conditions (e.g., depression, HIV), parenting, housing, and employment, as well as physical and sexual abuse history.

Source: <http://www.drugabuse.gov/PODAT/faqs.html>.

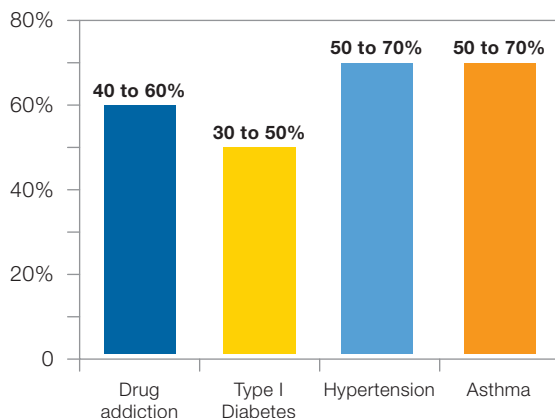
<sup>17</sup> Excerpted from <http://www.nida.nih.gov/infofacts/treatmeth.html>. For more complete information, see <http://www.drugabuse.gov/PODAT/PODATIndex.html>.

**Research suggests that treatment can cut drug abuse in half, drastically decrease criminal activity, and significantly reduce arrests.**

Research has shown that combining criminal justice sanctions with drug treatment can be effective in decreasing drug abuse and related crime. Individuals under legal coercion tend to stay in treatment longer and do as well as or better than those not under legal pressure. Often, drug abusers come into contact with the criminal justice system earlier than other health or social systems, presenting opportunities for intervention and treatment prior to, during, after, or in lieu of incarceration—which may ultimately interrupt and shorten a career of drug use. More information on how the criminal justice system can address the problem of drug addiction can be found in *Principles of Drug Abuse Treatment for Criminal Justice Populations: A Research-Based Guide* (National Institute on Drug Abuse, revised 2007).

It is important to note that individuals in the criminal justice system are usually required to remain drug free. However, addicts can be expected to have great difficulty abiding by this requirement. Relapse is common but when someone is under criminal justice supervision, this can result in a jail or prison sentence. When relapse rates for drug-addicted patients are compared with those suffering from diabetes, hypertension, and asthma, as shown in Figure 2.11, relapse is common and similar across these illnesses (as is adherence to medication). The National Institutes of Health recommend that drug addiction be treated like any other chronic illness, with relapse serving as a trigger for renewed intervention. Drug addiction a complicated problem for the criminal justice system.

Figure 2.11. Relapse rates of those addicted to drugs are similar to those suffering from other disorders



**Source:** McLellan, A.T., Lewis, D.C., O'Brien, C.P., Kleber, H.D. (2000). Drug dependence, a chronic medical illness: Implications for treatment, insurance, and outcomes evaluation. *JAMA*, 284: 1689-1695.

**Why do drug-addicted persons keep using drugs?**

Nearly all addicted individuals believe at the outset that they can stop using drugs on their own, and most try to stop without treatment. Although some people are successful, many attempts result in failure to achieve long-term abstinence. Research has shown that long-term drug abuse results in changes in the brain that persist long after a person stops using drugs. These drug-induced changes in brain function can have many behavioral consequences, including an inability to exert control over the impulse to use drugs despite adverse consequences—the defining characteristic of addiction.

**Source:** <http://www.drugabuse.gov/PODAT/faqs.html>.

Behavioral treatments help patients engage in the treatment process, modify their attitudes and behaviors related to drug abuse, and increase healthy life skills. Behavioral treatments can also enhance the effectiveness of medications and help

**Long-term drug use results in significant changes in brain function that can persist long after the individual stops using drugs.**

Understanding that addiction has such a fundamental biological component may help explain the difficulty of achieving and maintaining abstinence without treatment. Psychological stress from work, family problems, psychiatric illness, pain associated with medical problems, social cues (such as meeting individuals from one's drug-using past), or environmental cues (such as encountering streets, objects, or even smells associated with drug abuse) can trigger intense cravings without the individual even being consciously aware of the triggering event. Any one of these factors can hinder attainment of sustained abstinence and make relapse more likely. Nevertheless, research indicates that active participation in treatment is an essential component for good outcomes and can benefit even the most severely addicted individuals.

**Source:** <http://www.drugabuse.gov/PODAT/faqs.html>.

people stay in treatment longer. Examples of behavioral interventions include the following:

- Cognitive Behavioral Therapy, which seeks to help patients recognize, avoid, and cope with the situations in which they are most likely to abuse drugs.
- Multidimensional Family Therapy, which addresses a range of influences on the drug abuse patterns of adolescents and is designed for them and their families.
- Motivational Interviewing, which capitalizes on the readiness of individuals to change their behavior and enter treatment.
- Motivational Incentives (contingency management), which uses positive reinforcement to encourage abstinence from drugs.

Research suggests that treatment can cut drug abuse in half, drastically decrease criminal activity, and significantly reduce arrests.<sup>18</sup>

### Is methamphetamine a problem in Colorado?

Researchers from the Division of Criminal Justice collected data by hand from a sample of court files of individuals whose cases were closed in 2006.<sup>19</sup> Collecting data directly from case files allowed for the analysis of detailed crime and drug information. This study found that over half (56.0 percent) of the defendants in the sample who were charged with drug offenses were charged with an offense involving methamphetamine.

Methamphetamine is also known as meth, speed and chalk. In its smoked form, it is known as ice, glass, crystal, and crank. It is a white, odorless, bitter-tasting crystalline powder that easily dissolves in water or alcohol.

According to one national survey, approximately 10 million people in the United States have tried methamphetamine at least once.<sup>20</sup>

***Methamphetamine is a long-acting and very potent stimulant drug. It can be snorted, swallowed, injected, or smoked, and it is frequently taken in combination with other drugs. Like other drugs of abuse, methamphetamine produces a sense of euphoria by increasing the release of dopamine in the brain's reward centers.***

***When dopamine is liberated in such high concentrations, it can damage dopamine cells. Indeed, several studies in laboratory animals have corroborated this. In humans, imaging studies have shown that methamphetamine abusers show abnormalities in dopamine function resulting in impairments in movement and cognitive function that are similar, though of a lesser severity, to those seen in patients with Parkinson's disease. The good news is that unlike Parkinson's disease, where the damage to the brain cannot be reversed, there is some return of function with protracted abstinence from methamphetamine. This further highlights the importance of instituting treatment for methamphetamine abusers to maximize their chances of a successful recovery.***

***There are other dangerous effects of methamphetamine. The large increases in dopamine produced by methamphetamine can trigger psychosis that in some instances persists months after drug use has stopped. Also, because methamphetamine affects the contraction of blood vessels it can result in heart attacks and strokes in relatively young patients.***

<sup>18</sup> Gerstein, D. R., Datta, A. R., Ingels, J. S., Johnson, R. A., Rasinski, K. A., Schildhaus, S., & Talley, K. (1997). *Final report: National Treatment Improvement Evaluation Survey*. Rockville, MD: U.S. Dept. of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Treatment (DHHS Publication No. (SMA) 97-3159).

<sup>19</sup> Researchers collected data from over 3,254 court cases in 17 counties in 10 judicial districts. These counties included Denver, Jefferson, El Paso, Weld, Mesa, Boulder, Broomfield, Douglas, Teller, Gilpin, Jackson, Pueblo, Adams, Arapaho, Elbert, Lincoln, and Larimer.

<sup>20</sup> United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Office of Applied Studies. (2005). *National Survey on Drug Use and Health*. Ann Arbor, MI: Inter-university Consortium for Political and Social Research. Available at <http://www.icpsr.umich.edu/cocoon/SAMHDA-STUDY/04596.xml>.

Table 2.9. Over half of defendants in a sample of 2006 cases were charged with methamphetamine-related crimes (N=839)

| Drug type charged | Proportion of drug cases* |
|-------------------|---------------------------|
| Methamphetamine   | 56.0%                     |
| Cocaine           | 24.9%                     |
| Marijuana         | 18.1%                     |
| Crack             | 6.6%                      |
| Heroin            | 3.1%                      |
| Other drug**      | 9.9%                      |

**Note:** \*Percentages do not total 100% as drug types are not mutually exclusive. \*\*Includes LSD, MDMA, psilocybin, toxic vapors, and prescription drugs.

**Source:** Data collected by DCJ researchers from 10 judicial districts (17 counties: Denver, Jefferson, El Paso, Weld, Mesa, Boulder, Broomfield, Douglas, Teller, Gilpin, Jackson, Adams, Arapahoe, Elbert, Lincoln, and Larimer). These judicial districts were chosen based on the top 10 judicial districts for filings in 2005. The sample is comprised of 3,254 court cases from 2004, 2005, and 2006 that closed in 2006.

Methamphetamine abuse leads to devastating medical, psychological, and social consequences. Adverse health effects include memory loss, aggression, psychotic behavior, heart damage, malnutrition, and severe dental problems. Methamphetamine abuse also contributes to increased transmission of infectious diseases, such as hepatitis and HIV/AIDS, and can infuse whole communities with new waves of crime, unemployment, child neglect or abuse, and other social ills.

The good news is that methamphetamine abuse can be prevented and methamphetamine addiction can be treated. People do recover, but only when effective treatments that address the multitude of problems resulting from methamphetamine abuse are readily available.

The National Institute on Drug Abuse (NIDA) is supporting the development of medications for all aspects of methamphetamine abuse and addiction. For example, a recent clinical trial revealed that the antidepressant bupropion, marketed as Wellbutrin®, is effective in reducing methamphetamine abuse in low/moderate users. Addiction changes the parts of the brain that affect our ability to think, to control impulses, and to understand consequences, with methamphetamine in particular exceeding other drugs in its disruption of cognition. Additionally, because drug-impaired cognitive functioning can predict treatment dropout and lead to continued abuse and relapse, people undergoing methamphetamine treatment may benefit from medications to help them recover this functioning to give behavioral therapies the best chance to work. A potential drug in this area is modafinil, a medication used to treat narcolepsy, which appears to improve cognitive functioning and may also complement behavioral counseling for meth-

amphetamine abuse. To treat methamphetamine overdose, NIDA is developing antibodies to methamphetamine that will bind the drug in the bloodstream and prevent its deleterious effects.<sup>21</sup>

<sup>21</sup> For more information, go to <http://www.nida.nih.gov/pdf/tib/meth.pdf>.

## Section 3: Adults in the criminal justice system

This section describes the complex entity referred to as the criminal justice system.

The idea that there is a “system” involving law enforcement, courts, jails and corrections evolved in the late 1960s. This “system” was defined for the first time in the final report of the President’s Commission on Law Enforcement and the Administration of Justice in 1967. The Commission defined an entity with independent and interdependent agencies—organizations that often had overlapping jurisdictions and conflicting objectives.

The Commission studied criminal justice in the states for over two years and in its multiple-volume report made hundreds of recommendations for integrating the various elements of the criminal justice system. The Commission’s recommendations included enhancing training and education to increase professionalism, and developing transparent policies that described the methods used to make case processing decisions.

Most of the Commission’s recommendations were incorporated into the federal 1968 Safe Streets Act. With the passage of the Safe Streets Act, federal funding to implement improvements in local criminal justice practices began flowing to each state. This is the legacy of the Justice Assistance Grants (JAG), the National Criminal History Improvement Program funds, and the Edward Byrne Memorial law enforcement funds.

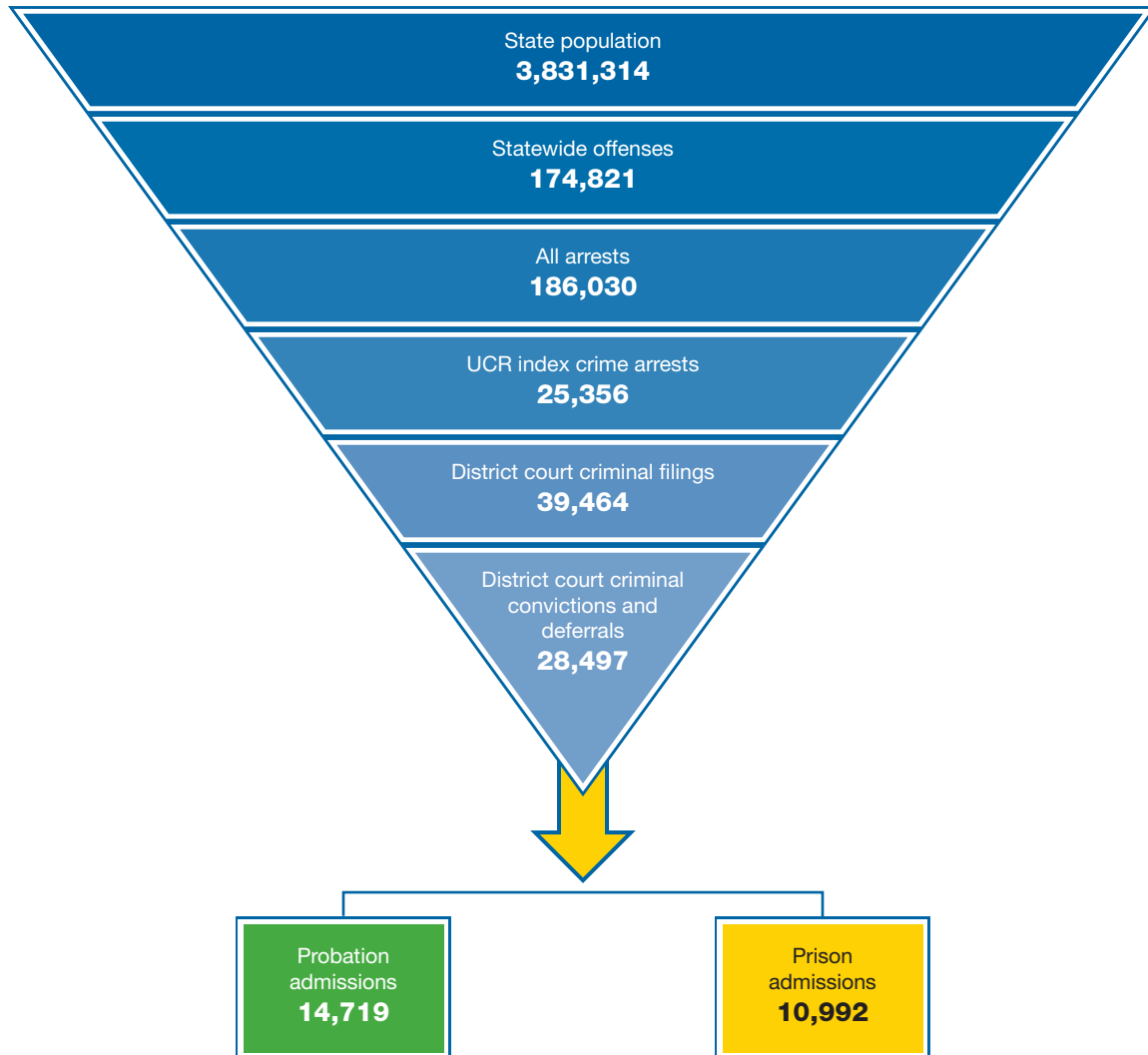
The President’s Commission recommended—and the 1998 Safe Streets Act mandated—the creation of State Planning Agencies that would set priorities for criminal justice improvement. The Commission emphasized the need for research to guide criminal justice planning at the state and local levels.

The Division of Criminal Justice (DCJ) is the state-level criminal justice planning agency in Colorado. The Office of Research and Statistics (ORS) represents the research effort described in that original 1968 Crime Act. Central questions that the ORS targets in its research include the following:

- How are cases processed through the criminal justice system?
- Where are the decision points?
- What factors affect decisions regarding court case filings, prosecutions, convictions and sentencing?

## Crime funnel

Figure 3.1. The adult crime funnel, 2009



**Notes:** Population data is reported for calendar year 2009. Population estimates are based upon the 2000 census. Statewide offense data is reported for calendar year 2009. Arrest data is reported for calendar year 2009. UCR index crimes include homicide, forcible rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson. District court criminal filing data is reported for fiscal year 2009. District court criminal convictions and deferrals are reported for calendar year 2009. District court probation admission data is reported for fiscal year 2009. Prison admission data is reported for fiscal year 2009.

**Sources:** Population data: Colorado State Demographers Office, Department of Local Affairs. Available at <http://dola.colorado.gov/dlg/demog/index.html#>.

Offense data: Colorado Bureau of Investigation. (2010). *Crime in Colorado 2009*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbi.state.co.us/CNC/index.html>.

Arrest data: Colorado Bureau of Investigation. (2010). *Crime in Colorado 2009*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbi.state.co.us/CNC/index.html>.

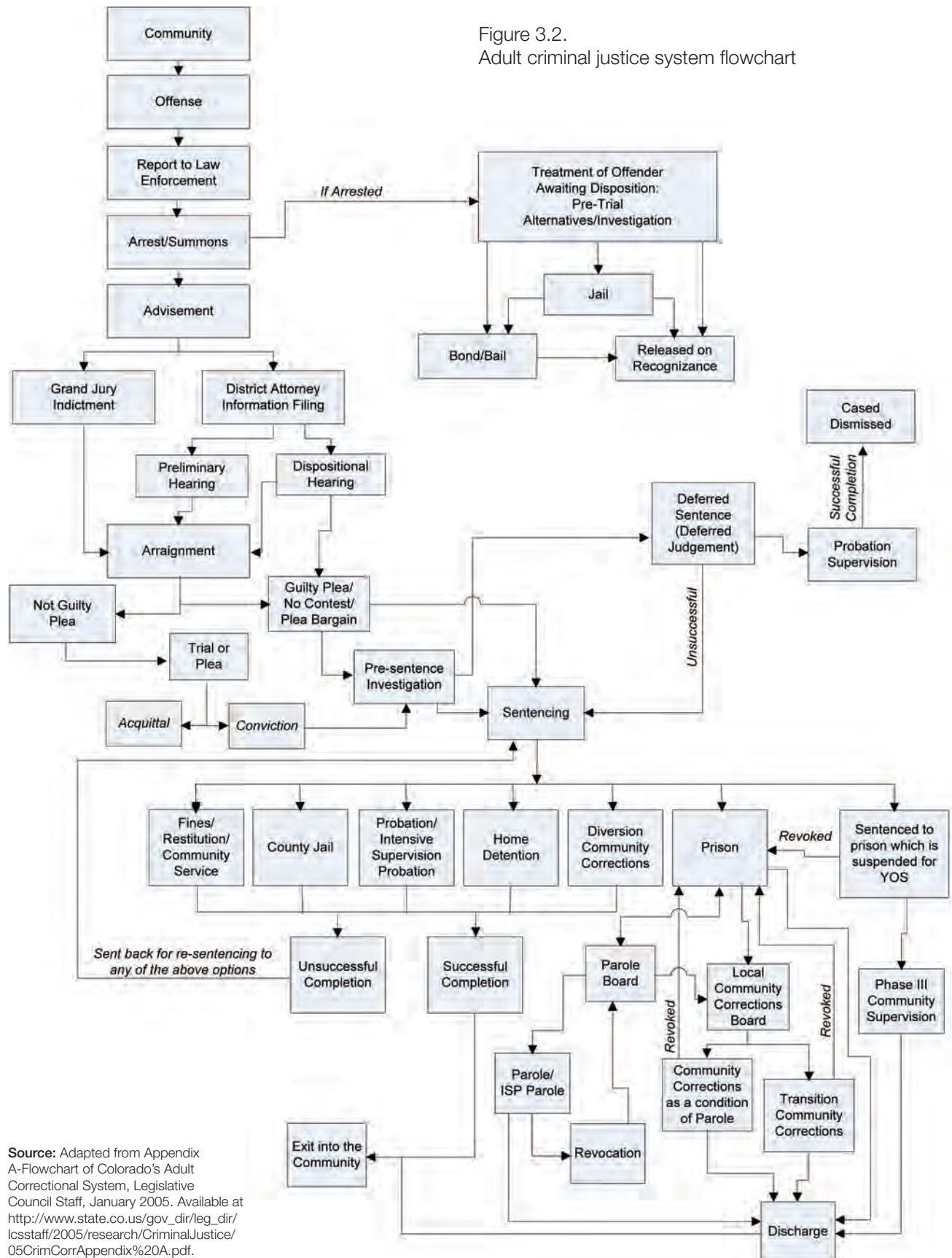
Filings: Colorado Judicial Branch. (2010). *Annual statistical report fiscal year 2009*. Denver, CO: Supreme Court of Colorado. Table 12 available at <http://www.courts.state.co.us/Administration/Custom.cfm/Unit/annrep>.

Convictions and deferrals: Data was extracted by DCJ from ICON via the Colorado Justice Analytics Support System (CJASS).

District court probation admission data: Colorado Judicial Branch. (2010). *Annual statistical report fiscal year 2009*. Denver, CO: Supreme Court of Colorado. Table 42 available at <http://www.courts.state.co.us/Administration/Custom.cfm/Unit/annrep>.

Prison admission data: Colorado Department of Corrections. (2010). *Statistical report: Fiscal year 2009*. Colorado Springs, CO: Office of Planning and Analysis, Colorado Department of Corrections. Available at [http://www.doc.state.co.us/sites/default/files/opa/statRpt\\_FY09.pdf](http://www.doc.state.co.us/sites/default/files/opa/statRpt_FY09.pdf).

## Cases processed through Colorado's adult criminal justice system



Source: Adapted from Appendix A-Flowchart of Colorado's Adult Correctional System, Legislative Council Staff, January 2005. Available at [http://www.state.co.us/gov\\_dir/leg\\_dir/lcsstaff/2005/research/CriminalJustice/05CrimCorrAppendix%20A.pdf](http://www.state.co.us/gov_dir/leg_dir/lcsstaff/2005/research/CriminalJustice/05CrimCorrAppendix%20A.pdf).

The criminal justice system is a complex process that involves multiple agencies with different purposes, policies, decision makers and jurisdictions. Much of the system is defined in the Colorado Revised Statutes (C.R.S). Figure 3.2, combined with the information on the following pages, provides a general description of how criminal cases move through the system in Colorado.

### Arrest/Summons

*Arrest: C.R.S. 16-3-101 through 16-3-102*

A peace officer may arrest a person when there is a warrant commanding that the person be arrested, any crime has been or is being committed by such person in the peace officer's presence, or the peace officer has probable cause to believe that the offense was committed by the person to be arrested.

*Summons: C.R.S. 16-5-206 through 16-5-207*

This is a notice requiring a person to appear in court on a specific day at a specific time. The summons is returned to the court to document that the person was served with it.

### Pre-trial alternatives/Pre-trial investigation

*C.R.S. 16-4-105(3)*

Pre-trial service programs in the District Attorney's office establish procedures for screening arrested persons. The programs provide information to the judge to assist in making an appropriate bond decision. The programs may also include different methods and levels of community based supervision as a condition of pretrial release. It is at this stage that the judge decides what, if any, pretrial release is appropriate.

### Jail

*C.R.S. 17-26-101*

Lawfully committed persons and prisoners are housed in a county jail for detention, safekeeping, and confinement. Each county in the state is required to maintain a jail except counties with populations of less than 2,000.

### Bond/Bail

*C.R.S. 16-4-101 through 16-4-112*

All persons are eligible for bond except in the following situations:

- (a) for capital offenses when proof is evident or presumption is great; or
- (b) when, after a hearing held within 96 hours of arrest, the court finds reasonable proof that a crime was committed and finds that the public would be placed in

significant peril if the accused were released on bail and such person is accused in any of the following cases:

- (I) a crime of violence while on probation or parole resulting from the conviction of a crime of violence;
- (II) a crime of violence while on bail pending the disposition of a previous crime of violence charge for which probable cause has been found;
- (III) a crime of violence after two previous felony convictions, or one previous felony conviction if the conviction was for a crime of violence in Colorado or any other state when the crime would have been a felony if committed in Colorado which, if committed in this state, would be a felony;
- (IV) a crime of possession of a weapon by a previous offender;
- (c) when a person has been convicted of a crime of violence at the trial court level and such person is appealing the conviction or awaiting sentencing for the conviction and the court finds that the public would be placed in significant peril if the convicted person were released on bail.

### Released on recognizance

*C.R.S. 16-4-104 through 16-4-105*

A defendant may be released from custody upon execution of a personal recognizance bond which is secured only by the personal obligation of the defendant.

### Advisement (or First Appearance)

*C.R.S. 16-7-207*

At the first appearance of the defendant in court, the court informs the defendant of the following:

- (a) that they need make no statement, and any statement made can and may be used against the defendant;
- (b) the right to counsel;
- (c) if indigent, the right to the appointment of counsel or to consult with the public defender;
- (d) that any plea must be voluntary and not the result of influence or coercion;
- (e) the right to bail; whether the law allows bail, and the amount of bail that has been set by the court.
- (f) the right to a jury trial; and
- (g) the nature of the charges.

### Grand jury indictment

*C.R.S. 13-72-101, et seq., 13-73-101, et seq., 16-5-101, et seq., 16-5-201, et seq.*

The court or a district attorney may convene a grand jury to investigate a crime and to return an indictment. Colorado statutes allow county grand juries, judicial district grand juries, and statewide grand juries.

### District Attorney (DA) information filing

*C.R.S. 16-5-208*

In all cases where an accused is in county court concerning the commission of a felony and is bound over and committed to jail or is granted bail, the district attorney is responsible for filing an information in the district court alleging the accused committed the criminal offense described in the information. If the district attorney decides not to file charges, he or she is to file in district court a written statement containing the reasons for not doing so.

### Preliminary hearing

*C.R.S. 16-5-301 and 18-1-404*

Every person charged with a class 1, 2, or 3 felony and every person accused of a class 4, 5, or 6 felony which requires mandatory sentencing or is a crime of violence or is a sexual offense has the right to demand and receive a preliminary hearing in order to determine whether probable cause exists to believe that the defendant committed the charged offense.

### Dispositional hearing

*C.R.S. 16-5-301 and 18-1-404*

Persons charged with a class 4, 5, or 6 felony, except those requiring mandatory sentencing or which are crimes of violence or sexual offenses, must participate in a dispositional hearing for the purposes of case evaluation and potential resolution.

### Arraignment

*C.R.S. 16-7-201 through 16-7-208*

At the time of arraignment the defendant may enter one of the following pleas: a) guilty; b) not guilty; c) nolo contendere (no contest) with the consent of the court; or d) not guilty by reason of insanity, in which event a not guilty plea may also be entered.

### Not guilty plea >>> Proceed to trial

*C.R.S. 16-7-205*

### Guilty plea >>> Proceed to sentencing

*C.R.S. 16-7-205*

### Deferred sentencing or deferred judgment

*C.R.S. 18-1.3-102*

After a defendant has pled guilty and the court and DA have agreed, the court may defer sentencing or judgment by continuing the case for up to four years from the date a felony plea was entered or two years from the date a misdemeanor plea was entered. The period may be extended for up to 180 days if failure to pay restitution is the sole condition of supervision which has not been fulfilled and the defendant has shown a future ability to pay. During the period of deferred sentencing, the court may place the defendant under the supervision of the probation department. Upon full compliance with conditions of probation and stipulations agreed to by the defendant and the DA, the plea of guilty previously entered into is withdrawn and the charges dismissed with prejudice. Upon a violation of a condition of probation or a breach of the stipulation, the court must enter judgment and impose a sentence on the guilty plea.

### Trial or plea bargain

*Trial: C.R.S. 16-10-101 through 16-10-402, 18-1-405 through 18-1-406*

The right of a person who is accused of an offense other than a non-criminal traffic infraction or a municipal ordinance violation to have a trial by jury is inviolate and a matter of substantive due process of law. If the defendant is not brought to trial within six months from the date of the not guilty plea, he or she is to be discharged from custody if he/she has not been granted bail, and the pending charges are to be dismissed. The defendant may not be indicted again, informed against, or committed for the same offense. If a continuance has been granted for the defense, the period is extended for an additional six months. If the prosecuting attorney is granted a continuance, the trial can be delayed up to six months only if certain circumstances are met which are noted in C.R.S. 18-1-405 (6). Every person accused of a felony has the right to be tried by a jury of 12 whose verdict must be unanimous. A person may waive the right to a jury trial except in the case of class 1 felonies.

*Plea bargain: C.R.S. 16-7-301 through 16-7-304*

The district attorney may engage in plea discussions to reach a plea agreement in those instances where it appears that the effective administration of criminal justice will be served. The DA should only engage in plea discussions in the presence of the defense attorney. When a plea has been reached, the prosecutor informs the court of the terms of the plea agreement and the recommended penalty. The court then advises the defendant that the court exercises independent judgment in deciding whether to grant charge and sentence

concessions made in the plea agreement and that the court may sentence the defendant in a manner that is different than that discussed in the plea discussions. The court may then concur or not concur with the proposed plea agreement.

### **Pre-sentence investigation**

*C.R.S. 16-11-102*

Following each felony (other than a class 1) conviction, or upon court order in a misdemeanor conviction, a probation officer conducts an investigation and makes a written report to the court before sentencing. Presentence reports include a substance abuse assessment or evaluation. The report also includes, but is not limited to, the following information: family background, educational history, employment record, past criminal record including any past juvenile delinquency record involving unlawful sexual behavior, an evaluation of alternative dispositions available, a victim impact statement, and such other information that the court may require. Copies of the report, including any recommendations, are given to the prosecutor and the defense attorney no less than 72 hours prior to the sentencing hearing.

### **Sentencing**

*C.R.S. 18-1.3-104*

The trial court has the following alternatives in imposing a sentence: grant probation; imprisonment for a definite period of time or even death (which is a separate finding of appropriateness by a jury); the payment of a fine or to a term of imprisonment or to both a term of imprisonment and the payment of a fine; any other court order authorized by law; or payment of costs. Non-violent offenders may be sentenced to probation, community corrections, home detention, or a specialized restitution and community service program.

### **Fines, restitution, community service**

*Fines: C.R.S. 18-1.3-701, et seq.*

Fees and fines are assessed when there has been a conviction or adjudication to cover the costs of prosecution, the amount of the cost of care, and any fine imposed.

*Restitution: C.R.S. 18-1.3-302 and 18-1.3-601*

Every order of conviction of a felony, misdemeanor, petty, or traffic misdemeanor offense shall include consideration of restitution.

*Community service: C.R.S. 18-1.3-302 and 18-1.3-507*

Offenders may be ordered by the court to perform community or useful public service which will be monitored.

### **County jail**

*C.R.S. 18-1.3-501*

Offenders convicted of a misdemeanor offense are punishable by fine or imprisonment. A term of imprisonment for a misdemeanor is not served in a state correctional facility unless the sentence is served concurrently with a term of conviction for a felony. The court may also sentence an offender to a term of jail and probation (C.R.S. 18-1.3-202), to a term of jail and work release (C.R.S. 18-1.3-207), or to a term of jail and a fine (C.R.S. 18-1.3-505).

### **Probation**

*C.R.S. 18-1.3-201, et seq.*

Offenders are eligible for probation with the following exceptions: (1) those convicted of a class 1 felony or class 2 petty offense; (2) those who have been convicted of two prior felonies in Colorado or any other state; and (3) those convicted of a class 1, 2 or 3 felony within the last ten years in Colorado or any other state. Eligibility restrictions may be waived by the sentencing court upon the recommendation of the DA. In considering whether to grant probation, the court may determine that prison is a more appropriate placement for the following reasons: (1) there is an undue risk that the defendant will commit another crime while on probation; (2) the defendant is in need of correctional treatment; (3) a sentence to probation will unduly depreciate the seriousness of the defendant's crime or undermine respect for law; (4) past criminal record indicates that probation would fail to accomplish its intended purpose; or (5) the crime and the surrounding factors do not justify probation.

### **Intensive supervision probation (ISP)**

*C.R.S. 18-1.3-208(4)*

The court may sentence an offender who is otherwise eligible for probation and who would otherwise be sentenced to the DOC to ISP if the court determines that the offender is not a threat to society. Offenders on ISP receive the highest level of supervision provided to probationers including highly restricted activities, daily contact between the offender and the probation officer, monitored curfew, home visitation, employment visitation and monitoring, and drug and alcohol screening.

### **Home detention**

*C.R.S. 18-1.3-105*

Home detention is an alternative correctional sentence in which a defendant convicted of a felony (except a class 1 felony) is allowed to serve the sentence or term of probation at home or another approved residence. Home detention programs require the offender to stay at the residence at

all times except for approved employment, court-ordered activities, and medical appointments. A sentencing judge may sentence an offender to a home detention program after considering several factors such as the safety of the victims and witnesses and the public at large, the seriousness of the offense, the offender's prior criminal record, and the ability of the offender to pay for the costs of home detention and provide restitution to the victims.

### **Diversion community corrections**

*C.R.S. 18-1.3-301*

Any district court judge may refer an offender convicted of a felony to a community corrections program unless the offender is required to be sentenced as a violent offender. The court may also refer an offender to community corrections as a condition of probation. Any offender sentenced by the court to community corrections must be approved by the local community corrections board for acceptance into the program.

### **Prison**

*C.R.S. 18-1.3-401, et seq.*

Persons convicted of felony offenses are subject to a penalty of imprisonment at the Department of Corrections (DOC) for a length of time that is specified in statute corresponding to the felony class for which the offender was convicted.

### **Youthful Offender System (YOS)**

*C.R.S. 18-1.3-407*

Certain juveniles tried and sentenced as adults may be sentenced to the YOS as an alternative to a sentence to prison. In order to sentence a juvenile to the YOS, the court must first impose a sentence to the DOC which is then suspended on the condition that the youthful offender completes a sentence to the YOS, including a period of community supervision. A sentence to the YOS is a determinate sentence of no less than two years or no more than six years; except that a juvenile convicted of a class 2 felony may be sentenced for a determinate period of up to seven years. The DOC will also place the youth under community supervision for a period of not less than six months and up to 12 months any time after the date on which the youth has 12 months remaining to complete the determinate sentence.

### **Unsuccessful completion**

Returned to the court for re-sentencing.

### **Successful completion**

Returned to the community.

### **Parole Board**

*C.R.S. 17-2-201, et seq.*

The Parole Board consists of seven members appointed by the Governor and confirmed by the Senate. The board considers all applications for parole and conducts parole revocation hearings. If the Board refuses parole, the Board must reconsider parole every year thereafter until parole is granted or the offender is discharged. For class 1 or 2 crimes of violence, class 3 sexual assault, habitual offenders, and sex offenders, the Board is required to review parole once every three years.

### **Local community corrections board**

*C.R.S. 17-27-103*

Local community corrections boards are the governing bodies of community corrections programs. Locally elected officials appoint community corrections boards. These boards' authority includes the following: to approve or disapprove the establishment and operation of a community corrections program; to enter into contracts to provide services and supervision for offenders; to accept or reject any offender referred for placement in a community corrections facility; the authority to reject an offender after placement in a community corrections program; to establish and enforce standards for the operation of a community corrections program; and to establish conditions for the conduct of offenders placed in community corrections programs.

### **Parole/Intensive supervision programs**

*C.R.S. 17-22.5-403 and 17-27.5-101*

Offenders sentenced for class 2, 3, 4, 5, or 6 felonies are eligible for parole after serving 50 percent of their sentence, less earned time. Offenders convicted for more serious crimes, as defined by statute, are required to serve 75 percent of their sentence less earned time before being eligible for parole. DOC inmates who have no more than 180 days until their parole eligibility date (PED) are eligible for placement in ISP. In addition, offenders in a community corrections facility who have met residential program requirements and who have no more than 180 days until their PED are eligible for ISP.

### **Transition community corrections**

*C.R.S. 18-1.3-301(2)*

The DOC executive director may transfer any inmate who has displayed acceptable institutional behavior, other than one serving a sentence for a crime of violence, to a community corrections program subject to approval by the community corrections board. Non-violent inmates are referred to community corrections by the DOC 19 months

prior to the offender's PED and moved to a community corrections facility 16 months prior to the PED. The DOC may refer violent offenders to a community corrections facility 9 months prior to the PED and may move them 180 days prior to the PED.

### **Community corrections as a condition of parole**

*C.R.S. 18-1.3-301(3)*

The Parole Board may refer any parolee for placement in a community corrections program, subject to acceptance by the local community corrections board. Placement may be made a condition of release on parole or as a modification to the conditions of parole after release or upon temporary revocation of parole.

### **YOS Phase II and II community supervision**

*C.R.S. 18-1.3-407(3.3)(c)(I) and (II)*

After a youthful offender has completed the core programs, supplementary activities, and educational and prevocational programs in phase I of the YOS, the DOC is authorized to transfer the youthful offender to a Phase II 24-hour custody residential program. Phase III is administered for the period of community supervision remaining after completion of phase II. During phase III, the youthful offender is to be monitored as he or she reintegrates into the community.

### **Revocation**

*C.R.S. 17-2-103*

A parolee who violates the conditions of parole may have their parole revoked. Such violations include a new offense, belief that the parolee has left the state, refusal to appear before the board to answer charges of violations, or testing positive for an illegal or unauthorized substance. After the arrest or summons of the parolee, a complaint will be filed by the parole office. A parole hearing relating to the revocation will be held. If the board determines that a violation of a condition or conditions of parole has been committed, the board will either revoke parole, continue it in effect, or modify the conditions of parole.

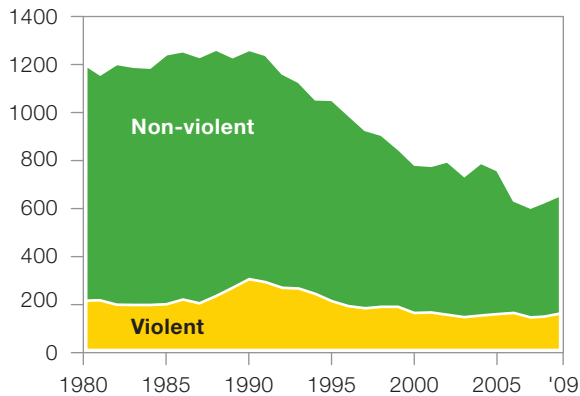
### **Successful discharge**

The offender successfully completes the conditions of parole or community corrections and is free to integrate back into the community.

**Source:** Adapted from Appendix A-Flowchart of Colorado's Adult Correctional System, Legislative Council Staff, January 2005. Available at [http://www.state.co.us/gov\\_dir/leg\\_dir/lcsstaff/2005/research/CriminalJustice/05CrimCorrAppendix%20A.pdf](http://www.state.co.us/gov_dir/leg_dir/lcsstaff/2005/research/CriminalJustice/05CrimCorrAppendix%20A.pdf). Colorado Revised Statutes, 2008.

## Adult violent vs. property arrests

Figure 3.3. Colorado adult violent and property arrest rates, 1980-2009

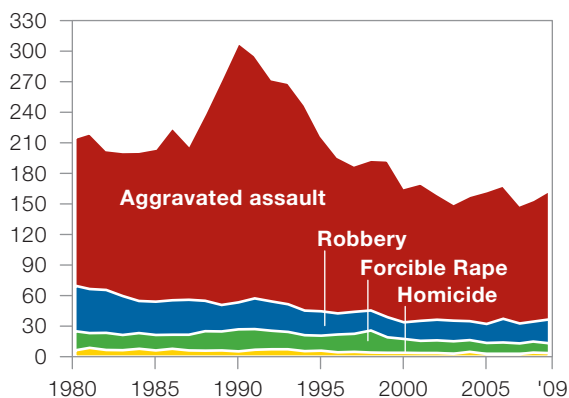


**Notes:** Rates are per 100,000 adults. Violent arrests include homicide, forcible rape, robbery, and aggravated assault. Property arrests include larceny-theft, burglary, motor vehicle theft, and arson.

**Sources:** Population data: Colorado State Demographers Office, Department of Local Affairs. Arrest data: Colorado Bureau of Investigation. (1980-2009). *Crime in Colorado*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbi.state.co.us/CNC/index.html>.

- In 2009, Colorado's arrest rate was 164.3 violent arrests per 100,000 people. The property arrest rate was 497.5 per 100,000 inhabitants.
- In Colorado, violent arrests make up 25 percent of all arrests.

Figure 3.4. Colorado adult violent arrest rates, 1980-2009

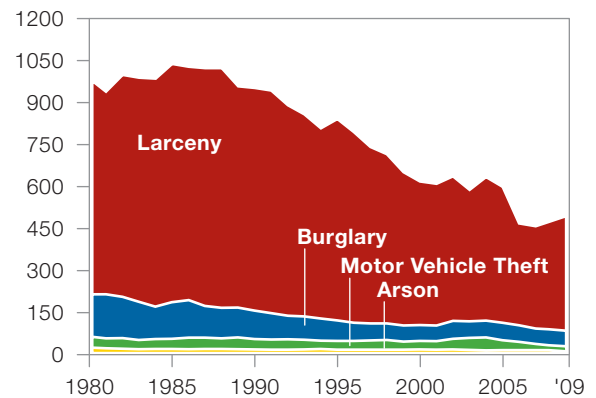


**Notes:** Rates are per 100,000 adults.

**Sources:** Sources: Population data: Colorado State Demographers Office, Department of Local Affairs. Arrest data: Colorado Bureau of Investigation. (1980-2009). *Crime in Colorado*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbi.state.co.us/CNC/index.html>.

- Violent and property arrests in Colorado have decreased over the last 29 years. Violent arrests have dropped 23 percent, while property arrests have decreased by almost 50 percent.
- Aggravated assaults make up the vast majority of violent crime arrests.
- All major violent crime arrest rates have declined since 1990.

Figure 3.5. Colorado adult property arrest rates, 1980-2009



**Notes:** Rates are per 100,000 adults.

**Sources:** Sources: Population data: Colorado State Demographers Office, Department of Local Affairs. Arrest data: Colorado Bureau of Investigation. (1980-2009). *Crime in Colorado*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbi.state.co.us/CNC/index.html>.

- Larcenies and thefts make up the vast majority of property crimes.
- Since 2006, Colorado's larceny and theft arrest rates have slightly increased by 13 percent.

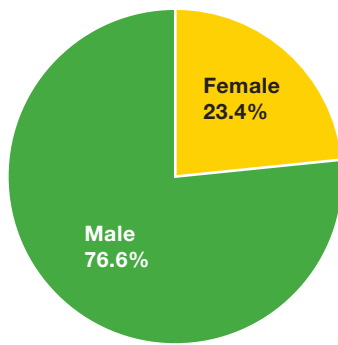
**Note the differences in scales used in the figures on this page.**



## Who gets arrested?

The following figures display demographic information on adults arrested in Colorado during calendar year 2008. The data were extracted from the Colorado Bureau of Investigation's Colorado Criminal History database via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics. This data source differs from that used to compile the annual "Crime in Colorado" statistics, and generally represent arrests involving more serious crimes.

Figure 3.6. Gender: Colorado adults arrested, 2008 (N=147,238)



**Source:** Arrest data were extracted from the Colorado Bureau of Investigation's Colorado Criminal History (CCH) data via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- Most arrestees are male (76.6 percent) and white (86.9 percent).

Table 3.1. Race: Colorado adults arrested, 2008 (N=147,238)

| Race            | Percent     |
|-----------------|-------------|
| Asian           | 1.0%        |
| Black           | 11.1%       |
| American Indian | 1.1%        |
| White           | 86.9%       |
| <b>Total</b>    | <b>100%</b> |

**Note:** Percentages may not total 100 percent due to rounding.

**Source:** Arrest data were extracted from the Colorado Bureau of Investigation's Colorado Criminal History (CCH) data via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- Black arrestees comprise the second largest ethnic group. Hispanic individuals are not broken out in the arrest data available, and are included in the 'white' category.

Table 3.2. Age: Colorado adults arrested, 2008 (N=29,254)

| Adult arrestee age | Percent     |
|--------------------|-------------|
| 18-24              | 38.5%       |
| 25-29              | 22.8%       |
| 30-34              | 14.1%       |
| 35-39              | 8.6%        |
| 40-44              | 6.2%        |
| 45-49              | 4.8%        |
| 50+                | 5.1%        |
| <b>Total</b>       | <b>100%</b> |

| Adult arrestee gender | Average age |
|-----------------------|-------------|
| Women                 | 30.4        |
| Men                   | 29.2        |
| <b>Total</b>          | <b>29.5</b> |

**Note:** Percentages may not total 100 percent due to rounding.

**Source:** Arrest data were extracted from the Colorado Bureau of Investigation's Colorado Criminal History (CCH) data via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- The average age of arrested adults was 29.5. Most (61.3 percent) adult arrestees were under the age of 30. Female arrestees tended to be slightly younger than males, at 29.5 years on average compared to 30.4 years.

## The district attorney's job is to seek justice

### Who exercises discretion?

Table 3.3. Who exercises discretion?

| These criminal justice officials | Must often decide whether or not or how to...                                                                                                                                                                         |
|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Police                           | <ul style="list-style-type: none"> <li>Enforce specific laws</li> <li>Investigate specific crimes</li> <li>Search people, vicinities, buildings</li> <li>Arrest or detain people</li> </ul>                           |
| Prosecutors                      | <ul style="list-style-type: none"> <li>File charges or petitions for adjudications</li> <li>Seek indictments</li> <li>Drop cases</li> <li>Reduce charges</li> </ul>                                                   |
| Judges or magistrates            | <ul style="list-style-type: none"> <li>Set bail or conditions for release</li> <li>Accept pleas</li> <li>Determine delinquency</li> <li>Dismiss charges</li> <li>Impose sentence</li> <li>Revoke probation</li> </ul> |
| Correctional officials           | <ul style="list-style-type: none"> <li>Assign to type of correctional facility</li> <li>Award privileges</li> <li>Punish for disciplinary infractions</li> </ul>                                                      |
| Paroling authorities             | <ul style="list-style-type: none"> <li>Determine date and conditions of parole</li> <li>Revoke parole</li> </ul>                                                                                                      |

**Source:** Bureau of Justice Statistics. *The justice system*. Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Available at <http://bjs.ojp.gov/content/justsys.cfm#structure>.

### The American prosecutor is unique in the world<sup>1</sup>

The American prosecutor is a public prosecutor representing the people in matters of criminal law. Traditionally, European societies viewed crimes as wrongs against an individual whose claims could be pressed through private prosecution. The prosecutor in the United States is usually a local official, reflecting the development of autonomous local governments in the colonies. As an elected official, the local prosecutor is responsible only to the voters.

### Prosecution is the function of representing the government in criminal cases

After the police arrest a person suspected to have committed a crime, the prosecutor coordinates the government's response to crime—from the initial screening, when the prosecutor decides whether or not to press charges, through

trial and, in some instances, at the time of sentencing, by the presentation of sentencing recommendations.

Prosecutors have been accorded much discretion in carrying out their responsibilities. They make many of the decisions that determine whether or not a case will proceed through the criminal justice process.

### Most felony cases in Colorado are prosecuted by district attorneys

The primary duty of the district attorney in Colorado is to appear on behalf of the state, the people, or any county in the district in all indictments, actions and proceedings filed in district court. The district attorney will also prosecute cases that are transferred to the district from another by a change of venue.

A district attorney is elected in each of Colorado's 22 judicial districts to prosecute criminal cases on behalf of the state (the people). The district attorney is a part of the executive branch of government. Deputy district attorneys may be appointed by the district attorney to assist with the duties of the office.

### The state attorney general and the U.S. attorneys also prosecute cases in the state

The attorney general prosecutes and defends all suits relating to matters of state government except those that involve the legislative branch. The attorney general is elected by the people and is a member of the governor's cabinet. Federal prosecution is the responsibility of 94 U.S. attorneys who are appointed by the president.

### A criminal action may be commenced in several ways

A criminal action for violation of any statute may be commenced in one of the following ways:

- Return of an indictment by a grand jury
- Filing of information in district court
- Filing of a felony complaint in county court

### Whatever the method of accusation, the state must demonstrate that there is probable cause to support the charge

Colorado law provides a simple and expeditious method for the prosecution of misdemeanor and petty offenses in county court.

<sup>1</sup> Bureau of Justice Statistics. *The justice system*. Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Available at <http://bjs.ojp.gov/content/justsys.cfm#structure>.

### **Discretion is exercised throughout the criminal justice system**

*The responsibility to respond to most crime rests with state and local governments. Police protection is primarily a function of cities and towns. Corrections is primarily a function of state governments. Most justice personnel are employed at the local level.*

*Discretion is “an authority conferred by law to act in certain conditions or situations in accordance with an official’s or an official agency’s own considered judgment and conscience.”<sup>2</sup> Discretion is exercised throughout the government. It is a part of decision making in all government systems from mental health to education, as well as criminal justice. The limits of discretion vary from jurisdiction to jurisdiction.*

*Concerning crime and justice, legislative bodies have recognized that they cannot anticipate the range of circumstances surrounding each crime, anticipate local mores, and enact laws that clearly encompass all conduct that is criminal and all that is not. Therefore, persons charged with the day-to-day response to crime are expected to exercise their own judgment within limits set by law. Basically, they must decide whether to take action, where the situation fits in*

*the scheme of law, rules, and precedent, and which official response is appropriate.<sup>3</sup>*

*To ensure that discretion is exercised responsibly, government authority is often delegated to professionals. Professionalism requires a minimum level of training and orientation, which guide officials in making decisions. The professionalism of policing is due largely to the desire to ensure the proper exercise of police discretion.*

*The limits of discretion vary from state to state and locality to locality. For example, some state judges have wide discretion in the type of sentence they may impose. In recent years other states have sought to limit the judge’s discretion in sentencing by passing mandatory sentencing laws that require prison sentences for certain offenses.<sup>4</sup>*

**Source:** Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice available at <http://www.ojp.usdoj.gov/bjs/pros.htm>.

<sup>2</sup> Pound, R. (1960). Discretion, dispensation and mitigation: The problem of the individual special case, *New York University Law Review*, Vol. 35, 925-926.

<sup>3</sup> LaFave, W. R. (1965). *Arrest: The decision to take a suspect into custody*. Boston, MA: Little, Brown & Co.

<sup>4</sup> Memorandum of June 21, 1977, from Mark Moore to James Vorenberg, “Some abstract notes on the issue of discretion.” As cited in Bureau of Justice Statistics. *The justice system*. Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Available at <http://bjs.ojp.gov/content/justsys.cfm#structure>.

A summons and complaint can be issued by a police officer for a misdemeanor or petty offense. The summons and complaint directs the defendant to appear in county court at a stated date and time. A summons can also be issued after a complaint is filed in county court. A trial may be held upon appearance of the defendant before the judge or the case is set for trial as soon as possible. Judgments of the county court in a criminal action under the simplified procedure may be appealed to district court.

When a person is arrested for a class two petty offense (a minor offense such as a traffic ticket) the arresting officer may issue a penalty assessment notice. If the defendant wishes to acknowledge guilt, he or she may pay the specified fine in person or by mail. If the person chooses not to acknowledge guilt, he or she must appear in court as required by the notice.

Small claims courts are divisions of county court. Individuals are allowed to argue their own cases and to have speedy decisions on civil matters involving no more than

\$7,500. Court sessions are held during the day or evening to accommodate the public. There are no jury trials in small claims courts, and magistrates sometimes hear these cases rather than judges (a magistrate is a judicial officer with limited jurisdiction and authority). No plaintiff may file more than two claims per month or eighteen claims per year in small claims court.

### **The decision to charge is solely at the prosecutor’s discretion**

Once an arrest is made and the case is referred to the district attorney, most district attorneys screen cases to determine whether the case merits prosecution. The district attorney may refuse to prosecute, for example, because of insufficient evidence. The district attorney has the power to dismiss cases or to decide which of several possible charges to press in a prosecution. The number of cases accepted for prosecution varies by district attorney.

## Once charges are filed, a case may be terminated only by official action

The prosecutor can drop a case after making efforts to prosecute, or the court can dismiss the case on motion of the defense on grounds that the government has failed to establish that the defendant committed the crime charged. The prosecution may also recommend dismissal, or the judge may take the initiative in dismissing a case. A dismissal is an official action of the court.

## What are the most common reasons for rejection or dismissal?

- Evidence problems may result from a failure to find sufficient physical evidence that links the defendant to the offense.
- A victim may decide to drop the charges.
- Witness problems may arise, for example, when a witness fails to appear, gives unclear or inconsistent statements, is reluctant to testify, or is unsure of the identity of the offender.
- Some cases referred to the district attorney are more appropriately handled as civil matters and may be transferred to civil court.
- Due process problems may arise that involve violations of the constitutional requirements for seizing evidence and for questioning the accused. Due process problems also result from excessive delays in filing the case.
- A case may be combined with other cases, for example, when the accused is charged in several cases and the prosecutor combines all of the charges in a single case. Cases are often dismissed if the defendant pleads guilty in another case.
- Fugitives from another jurisdiction may have their case dismissed if the other jurisdiction prosecutes.
- The prosecutor and the court may agree to drop charges when the accused successfully meets the conditions for diversion, such as completion of a treatment program.

## The Fourth Amendment prohibits unreasonable searches and seizures in the collection of evidence

Under the exclusionary rule (as determined in the Supreme Court decision of *Mapp vs. Ohio*, 1961, 367 US 643), evidence obtained in violation of the Fourth Amendment may not be used in criminal proceedings against the accused.

***There are many reasons a case is dropped by the prosecutor, including lack of evidence to pursue the case, lack of cooperation from victims, and dropping charges when a defendant is found guilty in another case.***

Both the police and prosecutors drop cases based on improperly obtained evidence.

Most of the cases with due process problems are rejected prior to filing. Nationally, these types of cases account for approximately two percent of the cases that are rejected.

Fewer than one percent of the cases filed in Colorado are rejected or dismissed because of due process or constitutional problems.

- ***A quarter of the nation's prosecutor's offices in 2005 participated on a state or local homeland security task force, with a third having staff that attended homeland security training.***
- ***In 2005, 60 percent of prosecutors litigated a variety of crimes related to computer and electronic commerce fraud (felony or misdemeanor), a 20 percent increase compared to 2001.***
- ***In 2005, prosecution of at least one case involving the transmission of child pornography increased from 40 percent in 2001 to 70 percent in 2005.***
- ***Approximately 70 percent of the prosecutors nationwide litigated an identity theft case in 2005, an increase of 50 percent since 2001.***
- ***A quarter of the prosecutor offices nationwide reported their district maintains an offender DNA database.***

Source: Bureau of Justice Statistics. (2006). *2005 National Survey of Prosecutors Questionnaire*. Washington D.C.: Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Available at <http://bjs.usdoj.gov/content/pub/pdf/psc05.pdf>.

### Do jurors understand a DNA expert's intricate analysis and testimony of complex DNA evidence?

Researchers suggest five ways to facilitate juror understanding of DNA evidence:

- Distribute juror notebooks that contain copies of the expert's slides, overheads, and charts; a glossary of technical terms; a list of the issues presented by the DNA evidence; and blank paper for note taking.
- Distribute a checklist or inference chart listing the issues presented by the DNA evidence and provide a step-by-step pathway for the jurors' resolution of those issues.
- Provide a brief, straightforward explanation of forensic DNA without burdening jurors with nonessential technical details about the analysis. Some deliberating jurors complained about "technical overload" of essentially uncontested matters.
- Allay fears of contamination—even in cases where there is no evidence it has occurred. A significant number of jurors believed sample contamination was a problem despite the total lack of evidence or argument by defense counsel to suggest it occurred.
- Encourage jurors to weigh the probative value of the DNA evidence linking the defendant to the crime with the value of other nonscientific evidence. Jurors attempt to combine both types of information to arrive at an opinion regarding guilt, but are unsure how to do so. Attorneys and experts should present simple, understandable approaches to considering the value of different types of evidence.

**Sources:** Dann, M.B., Hans, V.P., & Kaye, D. H. (2006). *Can Jury Trial Innovations Improve Juror Understanding of DNA Evidence?* National Institute of Justice Journal, Issue No. 255. Available at <http://www.ncjrs.gov/pdffiles1/nij/jr000255.pdf>.

Dann, B.M., V.P. Hans, & D.H. Kaye. (2005). *Testing the Effects of Selected Jury Trial Innovations on Juror Comprehension of Contested mtDNA Evidence*. Washington, D.C.: The National Institute of Justice (NCJ 211000). Available at [www.ncjrs.gov/pdffiles1/nij/grants/211000.pdf](http://www.ncjrs.gov/pdffiles1/nij/grants/211000.pdf).

## Right to counsel and methods for providing indigent criminal defense

The Sixth Amendment of the U.S. Constitution establishes the right to counsel in federal criminal prosecution. However, through a series of U.S. Supreme Court decisions, the right to counsel was extended to all criminal prosecutions, state or federal, felony or misdemeanor, and adult or juvenile that carry the possibility of imprisonment.

States and localities use several methods for delivering indigent criminal defense services:

- Public defender programs
- Assigned counsel programs
- Contract attorneys

The federal system also has several types of programs to deliver indigent criminal defense:

- Public defender organizations
- Community defender organizations
- Panel attorneys

**Source:** Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Available at <http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=215>.

Jurisdictions vary in their approach to providing counsel to indigent defendants. The most common system is a public defender office.<sup>2</sup> A public defender is an attorney employed by the government (state or county) to represent individuals charged with a crime who cannot afford to hire a lawyer.

### The national public defender system

In a report prepared by the Bureau of Justice Statistics from a variety of data sources,<sup>3</sup> researchers found that in both federal and large state courts conviction rates were the same for defendants represented by publicly financed and by private attorneys. Approximately nine in 10 federal defendants and three in four state defendants in the 75 largest counties were found guilty, regardless of type of attorney. However, of those found guilty, higher percentages of defendants with publicly financed counsel were sentenced to incarceration. Of defendants found guilty in federal district courts, 88

***“The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours.”***

*Gideon v. Wainwright*, 372 U.S. 335 (1963).

percent with publicly financed counsel and 77 percent with private counsel received jail or prison sentences. In large state courts 71 percent with public counsel and 54 percent with private attorneys were sentenced to incarceration.

Indigent criminal defense programs in the largest 100 counties received an estimated 4.2 million cases in 1999. About 80 percent were criminal cases, eight percent juvenile related, two percent civil, and nine percent were other types of cases dealing with issues such as juvenile dependency, abuse and neglect, and contempt. Public defenders handled 82 percent of the 4.2 million cases in these counties, court appointed private attorneys were assigned 15 percent, and contract attorneys worked with three percent of these cases.

### The history of the public defender system in Colorado

In response to the Supreme Court’s decision in *Gideon v. Wainwright* (372 U.S. 335, 1963) the Colorado General Assembly passed the Colorado Public Defender Act. This Act authorized counties to establish their own public defender’s office or to remain under the previous ad hoc system of appointing counsel for indigent defendants. Four county public defender offices were established under this Act in Denver, Brighton, Pueblo and Durango.

In 1970, the State Legislature passed the Administrative Re-Organization Act. With this Act, the State began to oversee the court system, which assumed responsibility for the appointment and funding of counsel for indigent defendants. The Office of the State Public Defender was created in statute as an independent agency within the Colorado Judicial Branch (C.R.S. 21-1-101).

Initially, the Colorado Supreme Court appointed the Colorado State Public Defender. However, in 1979 the Public Defender statute (C.R.S. 21-1-101) was amended to create a Public Defender Commission. The Chief Justice of the Colorado Supreme Court now appoints Colorado citizens to serve on this commission, which consists of three attorneys and two lay persons. This Commission is responsible for appointing or removing the State Public Defender from office.

<sup>2</sup> <http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=215>.

<sup>3</sup> Harlow, C.W. (2000). *Defense Counsel in Criminal Cases*. Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. NCJ 179023. Data are from the Administrative Office of the U.S. Courts Federal Defender Services (1994-1998), 1998 Administrative Office of the U.S. Courts Criminal Master File, BJS State Court Processing Statistics (1992, 1994, and 1996), BJS National Survey of State Court Prosecutors (1990, 1992, and 1994), 1996 Survey of Inmates in Local Jails, and 1997 Surveys of Inmates in State and Federal Correctional Facilities.

Douglas K. Wilson is the sixth, and current, State Public Defender and has been in office since November 1, 2006.

### The current Colorado Public Defender system

The Public Defender system is comprised of 21 offices located across the state that handle adult and juvenile felony and misdemeanor cases in district and county courts. The system also has a centralized appellate office that handles felony appeals and a state wide administrative office. The office currently employs approximately 337 trial attorneys, 35 appellate attorneys, support staff and investigators.<sup>4</sup>

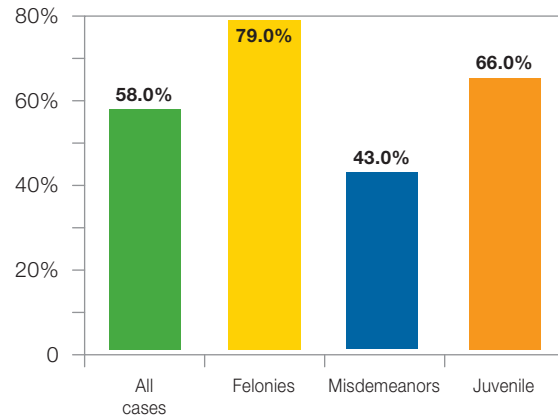
The Colorado State Public Defender's Office was recognized for its program structure in 1998 by *The Economist* magazine as one of only two public defense systems in the United States that has successfully implemented a structure allowing for zealous client advocacy in a cost-effective manner. Criminal defense organizations and court administration officials from many countries, including Russia, Japan, Egypt, and New Zealand, have traveled to meet with Colorado officials learn more about the organization.<sup>5</sup>

In fiscal year 2010 the Office of the State Public Defender opened 95,621 cases and closed 95,580.<sup>6</sup> Not all cases that open in a year close in the same year. Approximately 25 percent of the cases that open in any given fiscal year will carry over to the following year. Thus, the number of cases handled in any year is approximately 25 percent more than the number opened that year. In 2010 alone, the Public Defender's Office handled 120,816 concurrent cases (a 45 percent increase from the 83,212 concurrent cases in FY 2000; see Table 3.4).

**Mission: The Constitutions of the United States and Colorado establish the right to counsel. The single overriding objective of the Office of the State Public Defender is to provide reasonable and effective criminal defense representation.**

The Colorado State Public Defender's office is estimated to be 24 percent understaffed.<sup>7</sup> This finding is based on an analysis of case trends for FY 2000 - FY 2009, after applying the appropriate case weights, support staff ratios and appellate caseload requirements.<sup>8</sup>

Figure 3.7. Percentage of all Colorado criminal cases handled by the OSPD in FY 2010



Source: Michael Monkman, State Public Defenders Office (Personal communications, December 23, 2010).

<sup>4</sup> Michael Monkman, State Public Defenders Office (Personal communications, December 23, 2010).

<sup>5</sup> For more information go to [http://www.state.co.us/gov\\_dir/pdef\\_dir/pd.htm](http://www.state.co.us/gov_dir/pdef_dir/pd.htm).

<sup>6</sup> Michael Monkman, State Public Defenders Office (Personal communications, December 23, 2010).

<sup>7</sup> The rate of being understaffed varies depending on whether projected openings or closings are used as the unit of analysis (varies from 30 percent to 45 percent). In addition, the financial difficulties of the current fiscal year have led the Office of the State Public Defender to free job openings until April 2010. This has increased the understaffed rate to the higher levels.

<sup>8</sup> Desilets, R.A., Newhouse, D.J., Dattel, M.A., & Spangenberg, R.L. (2009). *Updated weighted caseload study: Colorado state public defenders*. West Newton, MA: The Spangenberg Group.

Table 3.4. Public Defender caseload summary: Concurrent cases, 2000-2010

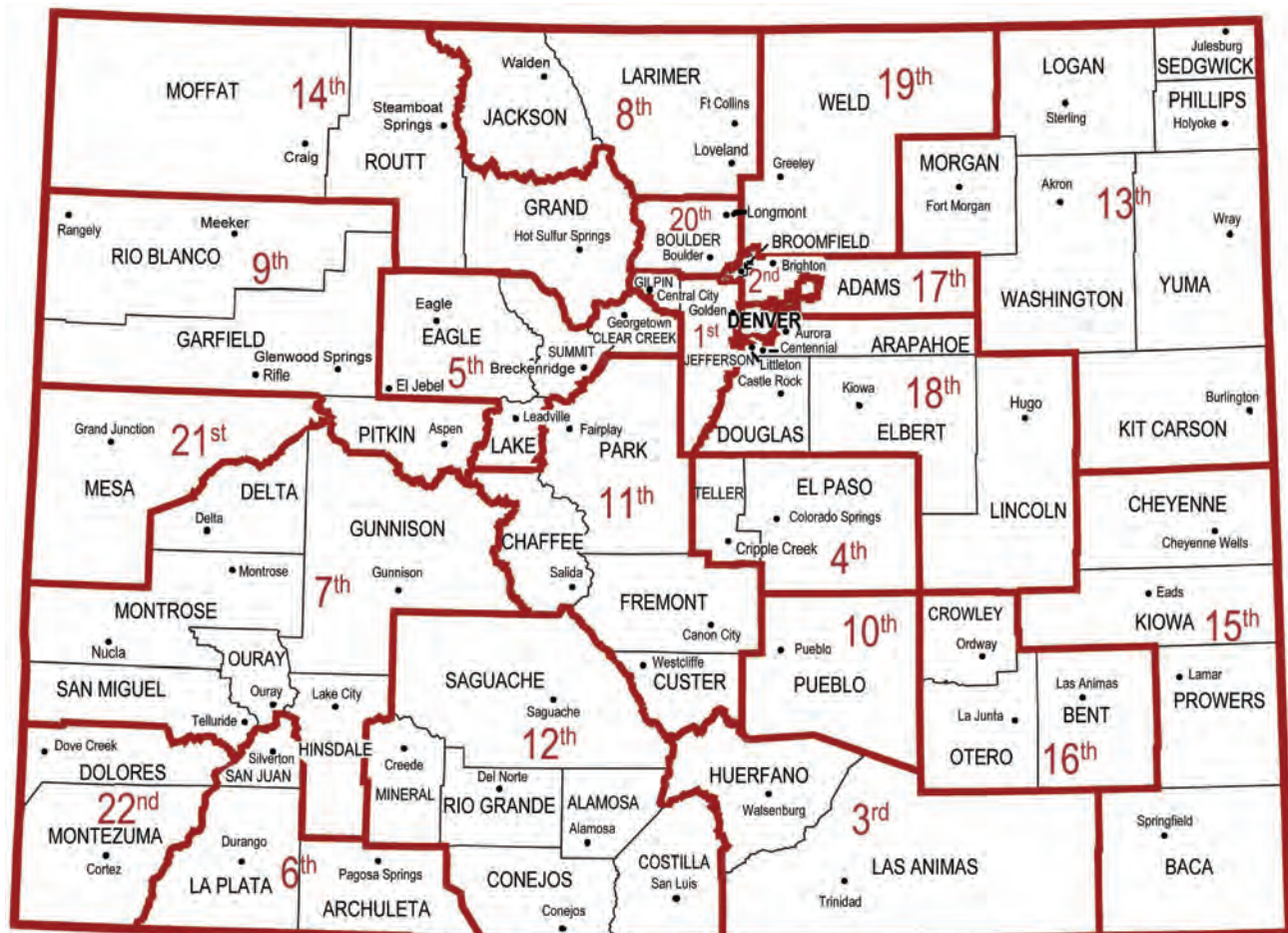
|                                               | 2010           | 2009           | 2008           | 2007           | 2006           | 2005           | 2004          | 2003          | 2002          | 2001          | 2000          |
|-----------------------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|---------------|---------------|---------------|---------------|---------------|
| Felony 1                                      | 206            | 222            | 227            | 228            | 194            | 162            | 155           | 139           | 141           | 210           | 135           |
| Felony 2                                      | 481            | 745            | 740            | 795            | 851            | 775            | 750           | 754           | 679           | 946           | 598           |
| Sex Assaults (F2-F4)                          | 2,708          | 1,116          | 1,309          | 1,619          | 1,463          | 1,020          | 1,074         | 1,092         | 952           | 884           | 808           |
| Felony 3                                      | 4,840          | 6,124          | 6,215          | 6,077          | 6,796          | 6,526          | 5,975         | 5,971         | 5,486         | 6,726         | 4,998         |
| Felony 4                                      | 10,552         | 10,881         | 11,166         | 11,840         | 11,348         | 10,450         | 10,866        | 11,945        | 10,829        | 11,437        | 9,473         |
| Felony 5                                      | 4,551          | 4,722          | 4,744          | 5,200          | 6,010          | 5,603          | 5,281         | 5,221         | 4,743         | 4,960         | 4,092         |
| Felony 6                                      | 6,050          | 6,278          | 6,702          | 7,172          | 7,646          | 6,688          | 5,186         | 2,996         | 2,719         | 2,631         | 2,823         |
| <b>Subtotal Felony Trial &amp; PreTrial</b>   | <b>29,388</b>  | <b>30,088</b>  | <b>31,103</b>  | <b>32,931</b>  | <b>34,308</b>  | <b>31,224</b>  | <b>29,287</b> | <b>28,118</b> | <b>25,549</b> | <b>27,794</b> | <b>22,927</b> |
| <b>Other Felony Proceedings Subtotal</b>      | <b>29,860</b>  | <b>30,443</b>  | <b>32,915</b>  | <b>34,128</b>  | <b>33,578</b>  | <b>33,017</b>  | <b>30,891</b> | <b>28,092</b> | <b>26,000</b> | <b>25,940</b> | <b>23,940</b> |
| <b>Total Felony</b>                           | <b>59,248</b>  | <b>60,531</b>  | <b>64,018</b>  | <b>67,059</b>  | <b>67,886</b>  | <b>64,241</b>  | <b>60,178</b> | <b>56,210</b> | <b>51,549</b> | <b>53,734</b> | <b>46,867</b> |
| Misdemeanor 1                                 | 11,573         | 9,897          | 8,058          | 7,058          | 6,403          | 5,672          | 5,245         | 5,434         | 4,609         | 4,442         | 3,619         |
| Sex Assault (M1)                              | 505            | 783            | 992            | 1,077          | 1,030          | 683            | 650           | 637           | 512           | 414           | 398           |
| Sex Assault (M2)                              | 1              | 373            | 372            | 522            | 454            | 320            | 341           | 337           | 357           | 310           | 169           |
| Misdemeanor 2                                 | 7,144          | 6,122          | 5,154          | 4,495          | 4,240          | 4,012          | 4,033         | 3,820         | 3,365         | 3,359         | 2,937         |
| Traffic/PO                                    | 16,699         | 15,335         | 12,565         | 10,887         | 9,958          | 9,796          | 10,174        | 9,645         | 8,534         | 9,374         | 8,995         |
| <b>Misdemeanor Trial &amp; PreTrial</b>       | <b>35,922</b>  | <b>32,510</b>  | <b>27,141</b>  | <b>24,039</b>  | <b>22,085</b>  | <b>20,483</b>  | <b>20,443</b> | <b>19,873</b> | <b>17,377</b> | <b>17,899</b> | <b>16,118</b> |
| <b>Other Misdemeanor Proceedings Subtotal</b> | <b>14,962</b>  | <b>13,112</b>  | <b>11,872</b>  | <b>10,584</b>  | <b>10,010</b>  | <b>9,245</b>   | <b>9,026</b>  | <b>9,067</b>  | <b>8,276</b>  | <b>9,061</b>  | <b>7,822</b>  |
| <b>Total Misdemeanor</b>                      | <b>50,884</b>  | <b>45,622</b>  | <b>39,013</b>  | <b>34,623</b>  | <b>32,095</b>  | <b>29,728</b>  | <b>29,469</b> | <b>28,940</b> | <b>25,653</b> | <b>26,960</b> | <b>23,940</b> |
| Juvenile Felony                               | 2,216          | 2,393          | 2,614          | 2,738          | 2,811          | 2,644          | 2,832         | 3,220         | 3,180         | 3,160         | 2,928         |
| Juvenile Misdemeanor                          | 2,788          | 2,673          | 2,668          | 2,495          | 2,311          | 2,261          | 2,180         | 2,306         | 2,379         | 2,439         | 2,752         |
| <b>Juvenile Trial &amp; PreTrial</b>          | <b>5,004</b>   | <b>5,066</b>   | <b>5,282</b>   | <b>5,233</b>   | <b>5,122</b>   | <b>4,925</b>   | <b>5,012</b>  | <b>5,526</b>  | <b>5,559</b>  | <b>5,599</b>  | <b>5,680</b>  |
| <b>Other Juvenile Proceedings Subtotal</b>    | <b>5,680</b>   | <b>6,253</b>   | <b>5,790</b>   | <b>5,424</b>   | <b>5,091</b>   | <b>5,030</b>   | <b>5,169</b>  | <b>5,600</b>  | <b>5,759</b>  | <b>6,327</b>  | <b>6,725</b>  |
| <b>Total Juvenile</b>                         | <b>10,684</b>  | <b>11,319</b>  | <b>11,072</b>  | <b>10,657</b>  | <b>10,213</b>  | <b>9,955</b>   | <b>10,181</b> | <b>11,126</b> | <b>11,318</b> | <b>11,926</b> | <b>12,405</b> |
| <b>Total Concurrent Cases</b>                 | <b>120,816</b> | <b>117,472</b> | <b>114,103</b> | <b>112,339</b> | <b>110,194</b> | <b>103,924</b> | <b>99,828</b> | <b>96,276</b> | <b>88,520</b> | <b>92,620</b> | <b>83,212</b> |

Source: Colorado State Public Defender Office. (2010). OSPD Concurrent Cases FY00-10. Denver, CO: Office of the State Public Defender.

## Colorado case filings

There are 22 judicial districts in Colorado encompassing 64 counties. Some districts include just one county, while others include as many as seven.

Figure 3.8. Judicial Districts of Colorado



Source: Colorado Judicial Branch. (2010). *Annual statistical report fiscal year 2010*. Denver, CO: Supreme Court of Colorado. Available at [http://www.courts.state.co.us/Administration/Custom.cfm/Unit/annrep/Page\\_ID/268](http://www.courts.state.co.us/Administration/Custom.cfm/Unit/annrep/Page_ID/268).

### District courts

Within each judicial district there is at least one district court location. The chief judge, who is appointed by the Supreme Court Chief Justice, serves as the chief judicial officer for the district.

It is the role of the district court judge to oversee felony criminal matters, civil claims in any amount, juvenile matters (including adoption, dependency and neglect matters, juvenile delinquency, and paternity actions), probate, mental health, divorce proceedings, and water cases. Additionally, district judges preside over jury trials, handle appeals from

Colorado's municipal and county courts, and review decisions of administrative boards and agencies. District court decisions may be appealed to the Colorado Court of Appeals and to the Colorado Supreme Court.

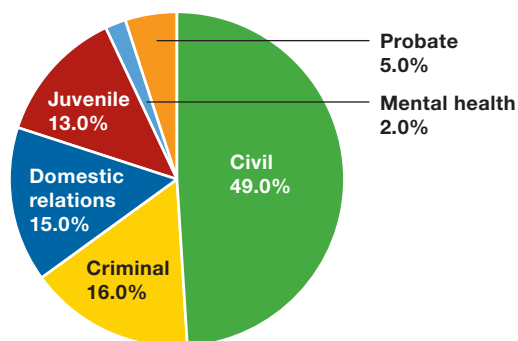
- Criminal cases make up 16 percent of the district court filings.
- There were 236,671 district case filings in FY 2010. This is a 52.5 percent increase over the last 10 years. The greatest area of increase has been with civil cases.
- Colorado's district courts terminated 238,465 cases during FY 2010.

Table 3.5. Colorado district court caseloads FY 2001-FY 2010

| Case class                | FY 2001        | FY 2002        | FY 2003        | FY 2004        | FY 2005        | FY 2006        | FY 2007        | FY 2008        | FY 2009        | FY 2010        |
|---------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| <b>Civil</b>              |                |                |                |                |                |                |                |                |                |                |
| New cases filed           | 37,235         | 41,349         | 43,976         | 51,846         | 55,465         | 60,546         | 64,603         | 64,199         | 67,480         | 116,346        |
| Cases terminated          | 36,817         | 41,277         | 4,300          | 50,777         | 54,912         | 59,146         | 65,029         | 64,021         | 65,909         | 117,836        |
| <b>Criminal</b>           |                |                |                |                |                |                |                |                |                |                |
| New cases filed           | 36,860         | 39,147         | 41,257         | 42,427         | 45,405         | 46,501         | 44,245         | 40,494         | 39,464         | 36,993         |
| Cases terminated          | 35,071         | 37,621         | 39,725         | 40,588         | 42,569         | 46,127         | 45,200         | 43,396         | 40,169         | 37,905         |
| <b>Domestic relations</b> |                |                |                |                |                |                |                |                |                |                |
| New cases filed           | 31,068         | 32,166         | 31,771         | 30,826         | 31,063         | 32,481         | 32,230         | 33,025         | 33,190         | 35,624         |
| Cases terminated          | 31,468         | 33,719         | 32,282         | 31,510         | 31,197         | 32,316         | 31,933         | 32,518         | 32,426         | 34,965         |
| <b>Juvenile</b>           |                |                |                |                |                |                |                |                |                |                |
| New cases filed           | 34,481         | 35,691         | 36,362         | 36,078         | 34,851         | 33,709         | 32,500         | 33,370         | 32,165         | 30,360         |
| Cases terminated          | 35,910         | 35,409         | 35,902         | 35,561         | 33,546         | 32,960         | 30,993         | 32,391         | 30,170         | 29,855         |
| <b>Mental health</b>      |                |                |                |                |                |                |                |                |                |                |
| New cases filed           | 4,216          | 4,229          | 4,330          | 4,528          | 5,021          | 4,653          | 4,459          | 4,713          | 4,795          | 5,195          |
| Cases terminated          | 4,290          | 4,194          | 4,405          | 4,308          | 4,782          | 4,679          | 4,626          | 4,487          | 4,865          | 5,127          |
| <b>Probate</b>            |                |                |                |                |                |                |                |                |                |                |
| New cases filed           | 11,360         | 11,655         | 11,762         | 11,653         | 11,706         | 11,525         | 11,198         | 11,551         | 11,443         | 12,189         |
| Cases terminated          | 11,577         | 13,675         | 11,946         | 13,562         | 12,989         | 11,164         | 11,187         | 12,574         | 11,780         | 12,777         |
| <b>Total</b>              |                |                |                |                |                |                |                |                |                |                |
| <b>New cases filed</b>    | <b>155,220</b> | <b>164,237</b> | <b>169,458</b> | <b>177,358</b> | <b>183,511</b> | <b>189,415</b> | <b>189,235</b> | <b>187,352</b> | <b>188,537</b> | <b>236,671</b> |
| <b>Cases terminated</b>   | <b>155,133</b> | <b>165,895</b> | <b>167,260</b> | <b>176,306</b> | <b>179,995</b> | <b>186,392</b> | <b>188,968</b> | <b>189,387</b> | <b>185,319</b> | <b>238,465</b> |

Source: Colorado Judicial Branch. (2010). *Annual statistical report fiscal year 2010*. Denver, CO: Supreme Court of Colorado. Available at <http://www.courts.state.co.us/Administration/Custom.cfm/Unit/annrep>.

Figure 3.9. Colorado district court filings, FY 2010



Source: Colorado Judicial Branch. (2010). *Annual statistical report fiscal year 2010*. Denver, CO: Supreme Court of Colorado. Available at <http://www.courts.state.co.us/Administration/Custom.cfm/Unit/annrep>.

Table 3.6. Colorado district court criminal filings by judicial district and county, FY 2010

| District | Court location | N     |
|----------|----------------|-------|
| 1        | Gilpin         | 118   |
|          | Jefferson      | 3,499 |
| 2        | Denver         | 4,343 |
| 3        | Huerfano       | 116   |
|          | Las Animas     | 218   |
| 4        | El Paso        | 4,710 |
|          | Teller         | 160   |
| 5        | Clear Creek    | 113   |
|          | Eagle          | 437   |
|          | Lake           | 93    |
|          | Summit         | 225   |
| 6        | Archuleta      | 85    |
|          | La Plata       | 569   |
|          | San Juan       | 9     |
| 7        | Delta          | 215   |
|          | Gunnison       | 107   |
|          | Hinsdale       | 1     |
|          | Montrose       | 347   |
|          | Ouray          | 9     |
|          | San Miguel     | 56    |
| 8        | Jackson        | 0     |
|          | Larimer        | 1,789 |
| 9        | Garfield       | 508   |
|          | Pitkin         | 92    |
|          | Rio Blanco     | 86    |
| 10       | Pueblo         | 1,814 |
| 11       | Chaffee        | 144   |
|          | Custer         | 18    |
|          | Fremont        | 384   |
|          | Park           | 99    |
| 12       | Alamosa        | 272   |
|          | Conejos        | 91    |
|          | Costilla       | 38    |
|          | Mineral        | 5     |
|          | Rio Grande     | 192   |
|          | Saguache       | 52    |

| District | Court location | N      |
|----------|----------------|--------|
| 13       | Kit Carson     | 64     |
|          | Logan          | 236    |
|          | Morgan         | 333    |
|          | Phillips       | 22     |
|          | Sedgwick       | 15     |
|          | Washington     | 29     |
|          | Yuma           | 56     |
| 14       | Grand          | 168    |
|          | Moffat         | 182    |
|          | Routt          | 153    |
| 15       | Baca           | 46     |
|          | Cheyenne       | 13     |
|          | Kiowa          | 11     |
|          | Prowers        | 191    |
| 16       | Bent           | 43     |
|          | Crowley        | 56     |
|          | Otero          | 196    |
| 17       | Adams          | 3,567  |
|          | Broomfield     | 262    |
| 18       | Arapahoe       | 3,093  |
|          | Douglas        | 778    |
|          | Elbert         | 66     |
|          | Lincoln        | 68     |
| 19       | Weld           | 2,204  |
| 20       | Boulder        | 2,071  |
| 21       | Mesa           | 1,798  |
| 22       | Dolores        | 8      |
|          | Montezuma      | 250    |
| Total    |                | 36,993 |

Source: Colorado Judicial Branch. (2010). *Annual statistical report fiscal year 2010*. Denver, CO: Supreme Court of Colorado. Available at <http://www.courts.state.co.us/Administration/Custom.cfm/Unit/annrep>.

### County courts

County courts serve the citizens of each of Colorado's 64 counties. Every county has a county court served by one or more judges. County court judges handle cases involving public safety issues such as misdemeanor cases, felony advisements, setting bonds, and preliminary hearings. They also issue search

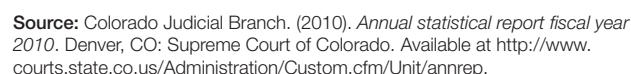
warrants and protection orders in cases involving domestic violence, traffic cases, civil actions involving no more than \$15,000, and jury trials. Appeals from the county court may be made to the district court.

Another division within county court is small claims. Within small claims, individuals are allowed to argue their

# Adults in the criminal justice system

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Figure 3.10. Colorado county court filings, FY 2010  
(Does not include Denver County Court)



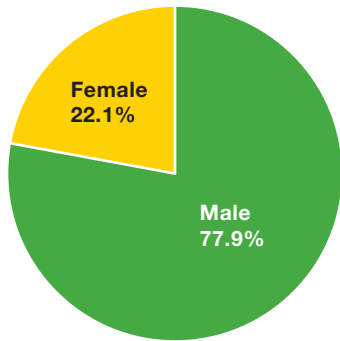
- Over a third (38 percent) of the county court filings were for civil cases.
- In FY 2010, Colorado county courts had 541,591 cases filed. County Court filings had decreased 3.6 percent from the previous fiscal year.
- Colorado's county court terminated 527,946 cases during FY 2010.

## Who is prosecuted?

Once an arrest is made and the case is referred to the district attorney, a determination is made regarding whether the case merits prosecution in district court. If so, a case filing is initiated. The information below represents 44,782 Colorado criminal cases closed in 2008. Because it takes an average of 6-8 months between arrest and case closing, many of these individuals will have been arrested and prosecution began prior to 2008.

Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

Figure 3.11. Gender: Colorado criminal cases closed in 2008 (N=44,134)



**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- The majority of adults whose criminal cases were closed in 2008 were male (78 percent).

Table 3.8. Race: Colorado criminal cases closed in 2008 (N=44,291)

| Race            | Percent     |
|-----------------|-------------|
| Asian           | 0.7%        |
| Black           | 12.1%       |
| Hispanic        | 10.1%       |
| American Indian | 0.8%        |
| Other           | 1.3%        |
| White           | 75.0%       |
| <b>Total</b>    | <b>100%</b> |

**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- The majority of adults with cases closed in district court in 2008 were white (74 percent). African Americans comprised the second largest ethnic group at 12 percent, while Hispanic individuals made up 10 percent. Note that data concerning Hispanics are available in the filing data extracted from the Judicial Department's data but are not available in the arrest data from the Colorado Bureau of Investigation (CBI). CBI includes individuals of Hispanic ethnicity in the 'white' race category, as directed by the FBI.

Table 3.9. Age group: Colorado criminal cases closed in 2008 (N=44,025)

| Age Group    | Percent     |
|--------------|-------------|
| <18          | 0.3%        |
| 18-24        | 33.3%       |
| 25-29        | 17.9%       |
| 30-34        | 13.3%       |
| 35-39        | 11.3%       |
| 40-44        | 9.3%        |
| 45-49        | 7.4%        |
| 50+          | 7.2%        |
| <b>Total</b> | <b>100%</b> |

**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

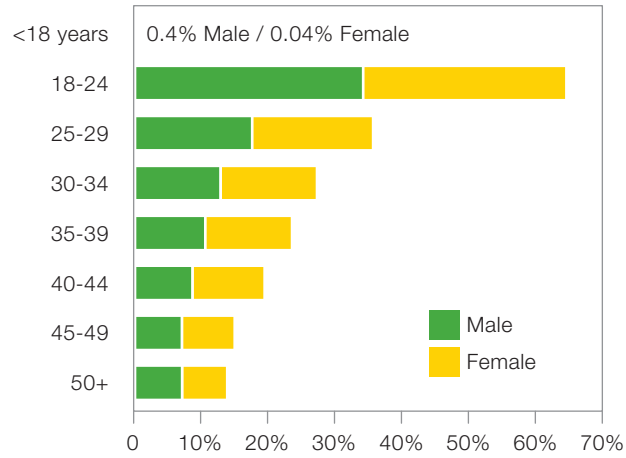
Table 3.10. Average age and gender: Colorado criminal cases closed in 2008 (N=44,025; 9,721 females and 34,304 males)

| Gender       | Average Age | Median    |
|--------------|-------------|-----------|
| Females      | 32.0        | 30        |
| Males        | 31.4        | 29        |
| <b>Total</b> | <b>31.6</b> | <b>29</b> |

**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- In 2008, just over half of these adults were between the ages of 18 and 29.
- The average age of adults charged with a crime in district court in 2008 was 31, with a median age of 29.
- A very small number of individuals under the age of 18 were prosecuted in the criminal (adult) court in Colorado.
- Female defendants tended to be slightly older than male defendants.

Figure 3.12. Age group and gender: Colorado district court criminal cases closed in 2008 (N=44,025)

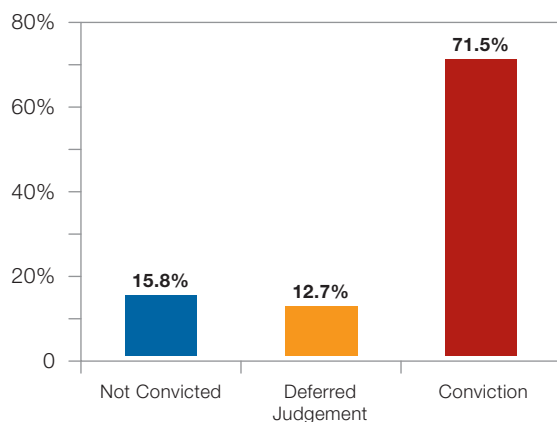


**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

## How are criminal cases disposed?

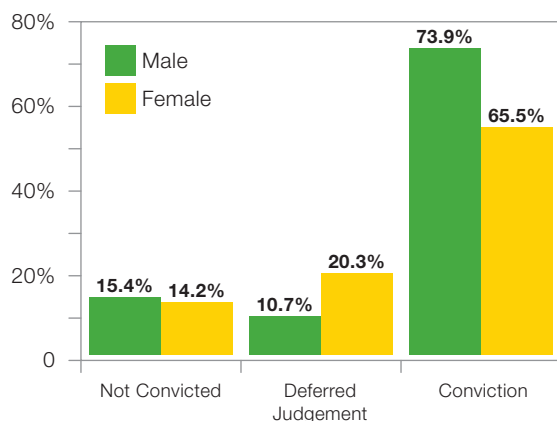
The prosecution of a case may result in several outcomes. A guilty finding results in a conviction. If charges are dropped, a charge is combined with another case, or a finding of not guilty is reached, the case is closed without conviction. Alternatively, a deferred judgment may be given. This is an arrangement in which a defendant pleads guilty and is placed on probation. If probation is successfully completed, the guilty plea is withdrawn and the case is dismissed without conviction.

Figure 3.13. Dispositions: Colorado criminal cases closed in 2008 (N=44,782)



**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

Figure 3.14. Dispositions and gender: Colorado criminal cases closed in 2008 (N=44,134)



**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

Table 3.11. Dispositions and ethnicity: Colorado criminal cases closed in 2008 (N=44,291)

| Ethnicity       | Not Convicted | Deferred Judgement | Conviction | Total |
|-----------------|---------------|--------------------|------------|-------|
| Asian           | 13.8%         | 17.8%              | 68.5%      | 100%  |
| Black           | 15.6%         | 9.1%               | 75.3%      | 100%  |
| Hispanic        | 12.3%         | 9.2%               | 78.5%      | 100%  |
| American Indian | 15.6%         | 7.1%               | 77.3%      | 100%  |
| Other           | 37.9%         | 8.7%               | 53.4%      | 100%  |
| White           | 15.4%         | 13.9%              | 70.7%      | 100%  |

**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- Once filed, most cases result in a conviction (71.5 percent).
- In 2008, men were convicted more often than women (73.9 percent versus 65.5 percent). Women were afforded the opportunity of a deferred judgment more often than men (20.3 percent versus 10.7 percent).
- In 2008, the prosecution of black, Hispanic and American Indian defendants resulted in a conviction more often than for white or Asian defendants. Asian and white defendants were given a deferred judgment more often than were defendants of other ethnicities.

Table 3.12. Dispositions and age: Colorado criminal cases closed in 2008 (N=44,603)

| Age   | Not Convicted | Deferred Judgement | Conviction | Total |
|-------|---------------|--------------------|------------|-------|
| <18   | 25.0%         | 1.4%               | 73.6%      | 100%  |
| 18-24 | 12.7%         | 16.6%              | 70.6%      | 100%  |
| 25-29 | 16.1%         | 10.3%              | 73.5%      | 100%  |
| 30-34 | 17.0%         | 10.0%              | 73.0%      | 100%  |
| 35-39 | 17.7%         | 10.5%              | 71.8%      | 100%  |
| 40-44 | 17.5%         | 10.0%              | 72.5%      | 100%  |
| 45-49 | 17.2%         | 10.7%              | 72.1%      | 100%  |
| 50+   | 19.7%         | 13.9%              | 66.4%      | 100%  |

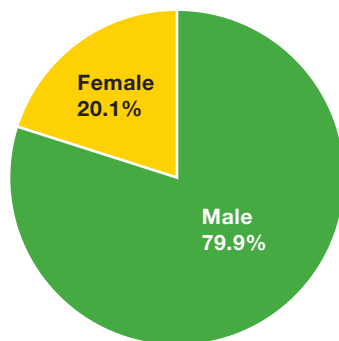
**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- In 2008, defendants between the ages of 18 and 24 and those 50 and over were given deferred judgments more often than those in other age categories (16.6 percent and 13.9 percent, respectively). Defendants over the age of 50 were convicted the least.

## Who is found guilty?

Once a prosecution has been initiated in court, it will be disposed of by a dismissal, a deferred judgement or a conviction. A conviction may be the result of a guilty plea or a guilty finding by the judge or a jury. The information presented below represents adults who were either convicted or received a deferred judgment in a Colorado district court during 2008.

Figure 3.15. Gender, Colorado criminal case convictions in 2008 (N=31,786)



**Note:** Convictions include deferred judgements.

**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- The majority of adults convicted in 2008 in Colorado were men (79.9 percent).

Table 3.13. Race: Colorado criminal case convictions in 2008 (N=31,819)

| Race            | Percent     |
|-----------------|-------------|
| Asian           | 0.8%        |
| Black           | 12.7%       |
| Hispanic        | 10.1%       |
| American Indian | 11.1%       |
| Other           | 0.7%        |
| White           | 73.8%       |
| <b>Total</b>    | <b>100%</b> |

**Note:** Convictions include deferred judgements.

**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- The majority of adults convicted were white (73.8 percent).
- African Americans comprised the second largest ethnic group of adults convicted (12.7 percent), although they make up only four percent of the state population.<sup>9</sup>
- Hispanic individuals made up 11.1 percent of adults convicted.
- These proportions very closely match those of prosecutions.

Table 3.14. Age: Colorado criminal case convictions in 2008 (N=44,782)

| Age Group    | Percent     |
|--------------|-------------|
| <18          | 0.3%        |
| 18-24        | 32.9%       |
| 25-29        | 18.3%       |
| 30-34        | 13.5%       |
| 35-39        | 11.4%       |
| 40-44        | 9.4%        |
| 45-49        | 7.5%        |
| 50+          | 6.6%        |
| <b>Total</b> | <b>100%</b> |

**Note:** Convictions include deferred judgements.

**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

Table 3.15. Average age and gender: Colorado criminal case convictions in 2008 (N=44,782)

| Gender       | Average Age | Median    |
|--------------|-------------|-----------|
| Male         | 31.3        | 29        |
| Female       | 32.2        | 30        |
| <b>Total</b> | <b>31.5</b> | <b>29</b> |

**Note:** Convictions include deferred judgements.

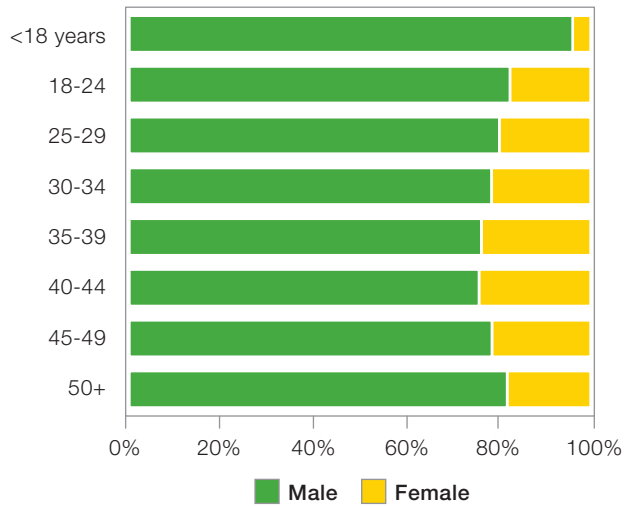
**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- The average age of adults convicted in 2008 was 31.5 years.

<sup>9</sup> <http://www.dola.state.co.us/demog/>.



Figure 3.16. Age group and gender: Colorado criminal case convictions, 2008 (N=31,691)



**Note:** Convictions include deferred judgements.

**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- The majority of each age category are male.
- The smallest proportion of females are in the under 18 category.
- The largest proportion of females are in the 35-39 and 40-44 age categories (both are approximately 24% female).

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Table 3.17. Colorado criminal convictions in 2008: Filing and conviction charges by gender

|                          |                     |  | Percent of total convictions |                                |                              |
|--------------------------|---------------------|--|------------------------------|--------------------------------|------------------------------|
| Original charge          | Total N convictions |  | Convicted as charged         | Other violent crime conviction | Non-violent crime conviction |
|                          |                     |  |                              |                                |                              |
| Females                  |                     |  |                              |                                |                              |
| Violent charges          |                     |  |                              |                                |                              |
| Homicide                 | 60                  |  | 51.7%                        | 38.3%                          | 10.0%                        |
| Sexual assault           | 21                  |  | 76.2%                        | 19.0%                          | 4.8%                         |
| Robbery                  | 74                  |  | 52.7%                        | 24.3%                          | 23.0%                        |
| Felony assault           | 533                 |  | 44.3%                        | 46.2%                          | 9.6%                         |
| All violent crimes*      | 1,039               |  | 59.5%                        | 29.5%                          | 11.1%                        |
| Non-violent charges      |                     |  |                              |                                |                              |
| Burglary                 | 364                 |  | 42.3%                        | 17.3%                          | 40.4%                        |
| Theft                    | 2,132               |  | 80.6%                        | 0.4%                           | 19.0%                        |
| Motor vehicle theft      | 197                 |  | 69.0%                        | 0.0%                           | 31.0%                        |
| Arson                    | 18                  |  | 83.3%                        | 5.6%                           | 11.1%                        |
| Drug                     | 2,638               |  | 93.3%                        | 0.8%                           | 6.0%                         |
| All non-violent crimes** | 7,327               |  | 75.0%                        | 2.6%                           | 22.4%                        |
|                          |                     |  |                              |                                |                              |
| Males                    |                     |  |                              |                                |                              |
| Violent charges          |                     |  |                              |                                |                              |
| Homicide                 | 412                 |  | 49.3%                        | 41.7%                          | 9.0%                         |
| Sexual assault           | 911                 |  | 76.2%                        | 19.6%                          | 4.2%                         |
| Robbery                  | 623                 |  | 59.1%                        | 22.6%                          | 18.3%                        |
| Felony assault           | 2,342               |  | 45.6%                        | 46.3%                          | 8.1%                         |
| All violent crimes*      | 7,089               |  | 64.2%                        | 27.5%                          | 8.4%                         |
| Non-violent charges      |                     |  |                              |                                |                              |
| Burglary                 | 2,311               |  | 48.2%                        | 15.2%                          | 36.5%                        |
| Theft                    | 3,358               |  | 75.9%                        | 0.7%                           | 23.4%                        |
| Motor vehicle theft      | 798                 |  | 72.4%                        | 2.5%                           | 25.1%                        |
| Arson                    | 81                  |  | 70.4%                        | 6.2%                           | 23.5%                        |
| Drug                     | 7,324               |  | 94.9%                        | 0.8%                           | 4.3%                         |
| All non-violent crimes** | 21,956              |  | 71.9%                        | 4.0%                           | 24.0%                        |

**Notes:** Percentages may not total 100 percent due to rounding. Deferred judgments are considered convictions for the purposes of this analysis.

\*In addition to the violent crimes listed, other violent crimes include sex crimes other than sexual assault, weapons charges, kidnap and simple assault. \*\*In addition to the non-violent crimes listed, other non-violent crimes include extortion, trespass, forgery, fraud, other property crimes, escape, bribery, custody violations, misc. felonies and misc. misdemeanors.

**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

## Case processing time for criminal cases

- On average, 42.1 days elapse between the commission of an offense and an arrest. Only 7.2 days elapse between the arrest and filing of a case in district court. Sentencing on a case takes an average of 197.0 days.

Table 3.18. Average case processing time for criminal cases closed in 2008 (N=44,784)

|                      | Average Days |
|----------------------|--------------|
| Offense to arrest    | 42.1         |
| Arrest to filing     | 7.2          |
| Filing to sentencing | 197.0        |

**Source:** Data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- Most often, an offense and an arrest occur in the same month (82.3 percent of cases). The arrest and the filing occur during the same month in 95.2 percent of cases. Sentencing, however, occurs during the same month in only 6.6 percent of cases. The time between filing and sentencing is over six months in 33.5 percent of cases.

Table 3.19. Case processing time for criminal cases closed in 2008 (N=44,784)

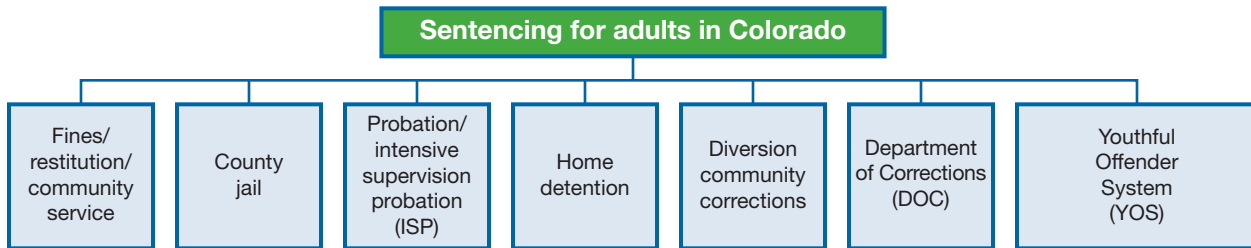
| Months           | Offense to arrest | Arrest to filing | Filing to sentencing |
|------------------|-------------------|------------------|----------------------|
| Less than 1      | 82.3%             | 95.2%            | 6.6%                 |
| Between 1 and 2  | 4.4%              | 2.7%             | 11.0%                |
| Between 2 and 3  | 2.6%              | 0.9%             | 11.4%                |
| Between 3 and 4  | 1.6%              | 0.3%             | 11.4%                |
| Between 4 and 6  | 2.6%              | 0.3%             | 18.9%                |
| Between 7 and 12 | 3.1%              | 0.3%             | 28.0%                |
| More than 12     | 3.4%              | 0.2%             | 12.6%                |

**Source:** Data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

## Adult placements

Once an offender is convicted, the courts will impose a sentence. Sentences vary from payment of a fine to granting probation to incarceration.

Figure 3.17. Adult placements



**Source:** Adapted from Appendix A-Flowchart of Colorado's Adult Correctional System, Legislative Council Staff, January 2005. Available at [http://www.state.co.us/gov\\_dir/leg\\_dir/lcsstaff/2005/research/CriminalJustice/05CrimCorrAppendix%20A.pdf](http://www.state.co.us/gov_dir/leg_dir/lcsstaff/2005/research/CriminalJustice/05CrimCorrAppendix%20A.pdf).

### Fines

*Fees and fines are assessed when there has been a conviction or adjudication to cover the costs of prosecution, the amount of the cost of care, and any fine imposed.*

### Restitution

*Every order of conviction of a felony, misdemeanor, petty, or traffic misdemeanor offense shall include consideration of restitution.*

### Community service

*Offenders may be court ordered to perform community or useful public service which will be monitored.*

### County jail

*Offenders convicted of a misdemeanor offense are punishable by fine or imprisonment. A term of imprisonment for a misdemeanor is not served in a state correctional facility unless the sentence is served concurrently with a term of conviction for a felony. The court may also sentence an offender to a term of jail and probation (C.R.S. 18-1.3-202), to a term of jail and work release (C.R.S. 18-1.3-207), or to a term of jail and a fine (C.R.S. 18-1.3-505).*

### Probation

*Offenders are eligible for probation with the following exceptions: (1) those convicted of a*

*class 1 felony or class 2 petty offense; (2) those who have been convicted of two prior felonies in Colorado or any other state; and (3) those convicted of a class 1, 2 or 3 felony within the last ten years in Colorado or any other state. Eligibility restrictions may be waived by the sentencing court upon the recommendation of the DA. In considering whether to grant probation, the court may determine that prison is a more appropriate placement for the following reasons: (1) there is an undue risk that the defendant will commit another crime while on probation; (2) the defendant is in need of correctional treatment; (3) a sentence to probation will unduly depreciate the seriousness of the defendant's crime or undermine respect for law; (4) past criminal record indicates that probation would fail to accomplish its intended purpose; or (5) the crime and the surrounding factors do not justify probation.*

### Intensive Supervision Probation (ISP)

*The court may sentence an offender who is otherwise eligible for probation and who would otherwise be sentenced to the DOC to ISP if the court determines that the offender is not a threat to society. Offenders on ISP receive the highest level of supervision provided to probationers including highly restricted activities, daily contact between the offender and the probation officer, monitored curfew, home visitation, employment visitation and monitoring, and drug and alcohol screening.*

### **Home detention**

Home detention is an alternative correctional sentence in which a defendant convicted of a felony (except a class 1 felony) is allowed to serve the sentence or term of probation at home or another approved residence. Home detention programs require the offender to stay at the residence at all times except for approved employment, court-ordered activities, and medical appointments. A sentencing judge may sentence an offender to a home detention program after considering several factors such as the safety of the victims, the witnesses, and the public at large, the seriousness of the offense, the offender's prior criminal record, and the ability of the offender to pay for the costs of home detention and provide restitution to the victims.

### **Diversion community corrections**

Any district court judge may refer an offender convicted of a felony to a community corrections program unless the offender is required to be sentenced as a violent offender. The court may also refer an offender to community corrections as a condition of probation. Any offender sentenced by the court to community corrections must be approved by the local community corrections board for acceptance into the program.

### **Department of Corrections (DOC)**

Persons convicted of felony offenses are subject to a penalty of imprisonment for a length of time that is specified in statute corresponding to the felony class for which the offender was convicted.

### **Youthful Offender System (YOS) in the Department of Corrections**

Certain juveniles tried and sentenced as adults may be sentenced to the YOS as an alternative to a sentence to prison. In order to sentence a juvenile to the YOS, the court must first impose a sentence to the Department of Corrections which is then suspended on the condition that the youthful offender completes a sentence to the YOS, including a period of community supervision. A sentence to the YOS is a determinate sentence of no less than two years or no more than six years; except that a juvenile convicted of a class 2 felony may be sentenced for a determinate period of up to seven years. The DOC will also place the youth under community supervision for a period of not less than six months and up to 12 months any time after the date on which the youth has 12 months remaining to complete the determinate sentence.

Source: Colorado Revised Statutes, 2008.



## Colorado criminal code penalties

The Colorado District Attorneys' Council prepared the following table that applies to all felony sentences which were

committed on or after July 1, 1993. Sentencing laws have been changed many times by the General Assembly, but the overall structure of the sentencing ranges has remained constant since the early 1980s.

Table 3.20. Colorado criminal code penalties, felonies committed on or after July 1, 1993

| Class                           | Presumptive range   |                      | Exceptional circumstances |          |                  |
|---------------------------------|---------------------|----------------------|---------------------------|----------|------------------|
|                                 | Minimum             | Maximum              | Minimum                   | Maximum  | Mandatory parole |
| 1                               | Life imprisonment   | Death                | Life imprisonment         | Death    |                  |
| 2                               | 8 Years \$5000 fine | 24 Years \$1,000,000 | 4 Years                   | 48 Years | 5 Years          |
| 3                               | 4 Years \$3000 fine | 12 Years \$750,000   | 2 Years                   | 24 Years | 5 Years          |
| <b>Extraordinary risk crime</b> | 4 Years \$3000 fine | 16 Years \$750,000   | 2 Years                   | 32 Years | 5 Years          |
| 4                               | 2 Year \$2000 fine  | 6 Years \$500,000    | 1 Year                    | 12 Years | 3 Years          |
| <b>Extraordinary risk crime</b> | 2 Years \$2000 fine | 8 Years \$500,000    | 1 Year                    | 16 Years | 3 Years          |
| 5                               | 1 Year \$1000 fine  | 3 Years \$100,000    | 6 Months                  | 6 Years  | 2 Years          |
| <b>Extraordinary risk crime</b> | 1 Year \$1000 fine  | 4 Years \$100,000    | 6 Months                  | 8 Years  | 2 Years          |
| 6                               | 1 Year \$1000 fine  | 18 Months \$100,000  | 6 Months                  | 3 Years  | 1 Year           |
| <b>Extraordinary risk crime</b> | 1 Year \$1000 fine  | 2 Years \$100,000    | 6 Months                  | 4 Years  | 1 Year           |

### Crimes that present an extraordinary risk of harm to society shall include the following:

1. Aggravated robbery, section 18-4-302
2. Child abuse, section 18-6-401
3. Unlawful distribution, manufacturing, dispensing, sale, or possession of a controlled substance with the intent to sell, distribute, manufacture, or dispense, section 18-18-405 (Note – not simple possession)
4. Any crime of violence as defined in section 18-1.3-406
5. Stalking, section 18-9-111 (4)
6. Sale of materials to manufacture controlled substances, section 18-18-412.7 (effective July 1, 2004)

\*Section 18-1.3-401 requires a court sentencing a person convicted of a felony on or after July 1, 1979, to impose a definite term of incarceration within the range established for the class of felony of which the person was convicted. If the court finds that extraordinary mitigating or aggravating circumstances are present to support a longer or shorter sentence than that permitted by the presumptive range, it may impose a definite term of incarceration with a range of half of the minimum presumptive sentence to twice the maximum presumptive sentence. In addition to the definite term of incarceration, a period of parole supervision is mandatory for persons convicted of class 2, 3, 4, and 5 felonies committed on or after July 1, 1979. The mandatory period of parole supervision for persons convicted of felonies committed between July 1, 1979 and July 1, 1984, is one year, for persons convicted of felonies committed on and after July 1, 1984 and before July 1, 1985, is three years, and for person convicted of felonies committed on and after July 1, 1985, and is a period not to exceed five years. (Section 17-22.5-303(4) and (7) and Section 17-22.5-103 as it existed prior to 1984 repeal and reenactment of article 22.5 of title 17. For the text and the former section, see Session Laws of 1979, page 668, or the 1983 Supplement to the 1978 Repl. Volume 8, Colorado Revised Statutes). Release on parole of person serving terms of life imprisonment for class 1 felonies committed on or after July 1, 1979 will remain within the discretion of the parole board (Section 178-2-201(5)(a)). (Section 16-11-103(1)(b)). Those convicted and serving terms of life imprisonment for class 1 felonies committed on or after July 1, 1990, are not parole eligible.

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**Crimes subject to the indeterminate sentencing provisions of Section 18-1.3-1004 (offenses committed on or after November 1, 1998)**

1. Sexual assault, section 18-3-402
2. Sexual assault in the first degree, section 18-3-402 as it existed prior to July 1, 2000
3. Sexual assault in the second degree, section 18-3-403 as it existed prior to July 1, 2000
4. Felony unlawful sexual contact, section 18-3-404 (2)
5. Felony sexual assault in the third degree, section 18-3-404 (2) as it existed prior to July 1, 2000
6. Sexual assault on a child, section 18-3-405
7. Sexual assault on a child by one in a position of trust, section 18-3-405.3
8. Aggravated sexual assault on a client by a psychotherapist, section 18-3-405.5 (1)
9. Enticement of a child, section 18-3-305
10. Incest, section 18-6-301
11. Aggravated incest, section 18-6-302
12. Patronizing a prostituted child, section 18-7-406
13. Class 4 felony internet luring of a child, section 18-3-306 (3)
14. Internet sexual exploitation of a child, section 18-3-405.4
15. Attempt, conspiracy, or solicitation to commit any of these offenses if such attempt, conspiracy, or solicitation would constitute a class 2, 3, or 4 felony.

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**Unlawful sexual behavior requiring sex offender registration**

1. Sexual assault, 18-3-402
2. Sexual assault in the first degree as it existed prior to July 1, 2000, 18-3-402
3. Sexual assault in the second degree as it existed prior to July 1, 2000, 18-3-403
4. Unlawful sexual contact, 18-3-404
5. Sexual assault in the third degree as it existed prior to July 1, 2000, 18-3-404
6. Sexual assault on a child, 18-3-405
7. Sexual assault on a child by one in a position of trust, 18-3-405.3
8. Sexual assault on a client by a psychotherapist, 18-3-405.5
9. Enticement of a child, 18-3-305
10. Incest, 18-6-301
11. Aggravated incest, 18-6-302
12. Trafficking in children, 18-6-402
13. Sexual exploitation of children, 18-6-403
14. Procurement of a child for sexual exploitation, 18-6-404
15. Indecent exposure, 18-7-302
16. Soliciting for child prostitution, 18-7-402
17. Pandering of a child, 18-7-403
18. Procurement of a child, 18-7-403.5
19. Keeping a place of child prostitution, 18-7-405.5
20. Pimping of a child, 18-7-405
21. Inducement of a child prostitution, 18-7-405.5
22. Patronizing a prostituted child, 18-7-406
23. Engaging in sexual conduct in a penal institution, 18-7-701
24. Promotion of obscenity to a minor and wholesale promotion of obscenity to a minor, 18-7-102
25. Class 4 felony internet luring of a child, 18-3-306 (3)
26. Internet sexual exploitation of a child, 18-3-405.4
27. Any offense for which the underlying factual bases involves any of these offenses
28. Attempt, conspiracy, or solicitation to commit any of these offenses

### Where do they go once convicted?

Table 3.21 displays sentences received according to conviction crime for adult convictions in 2008. The “other” category includes sentencing options such as community service, fines and restitution payments. The YOS category refers to the Youthful Offender System, a sentencing option for juveniles tried and convicted as adults. YOS is a prison program that emphasizes education and programming (see sidebar). Work release is included in the “jail” category.

- The majority of homicide cases closed in 2008 received a DOC sentence (85.1 percent). A third of sexual assault cases (31.2 percent) went to DOC.
- Most non-violent and drug convictions in 2008 received a probation sentence, which may or may not have included some jail time.

Table 3.21. Adult placements by index crime for Colorado criminal cases closed in 2008 (N=36,913)\*

| Crime               | N      | Prob*         | ISP**        | Jail         | Prob & Jail  | Comm Corr    | YOS       | DOC          | Other        | Total         |
|---------------------|--------|---------------|--------------|--------------|--------------|--------------|-----------|--------------|--------------|---------------|
| Homicide            | 221    | 5.4%          | 0.0%         | 0.9%         | 2.3%         | 0.9%         | 4.5%      | 85.1%        | 0.9%         | 100%          |
| Felony assault      | 1,103  | 31.6%         | 3.6%         | 1.1%         | 10.4%        | 2.5%         | 2.4%      | 44.6%        | 3.7%         | 100%          |
| Sexual assault      | 658    | 17.6%         | 29.3%        | 6.7%         | 12.3%        | 1.8%         | 0.0%      | 31.2%        | 1.1%         | 100%          |
| Robbery             | 484    | 15.9%         | 4.8%         | 0.6%         | 8.9%         | 3.7%         | 3.5%      | 61.4%        | 1.2%         | 100%          |
| Burglary            | 1,266  | 46.3%         | 4.1%         | 0.9%         | 8.6%         | 7.8%         | 0.6%      | 28.0%        | 3.7%         | 100%          |
| Theft               | 5,172  | 61.6%         | 2.0%         | 6.1%         | 7.0%         | 5.2%         | 0.0%      | 11.9%        | 6.2%         | 100%          |
| Motor vehicle theft | 822    | 45.9%         | 2.4%         | 4.0%         | 11.2%        | 8.8%         | 0.1%      | 24.8%        | 2.8%         | 100%          |
| Arson               | 85     | 61.2%         | 1.2%         | 3.5%         | 7.1%         | 1.2%         | 0.0%      | 22.4%        | 3.5%         | 100%          |
| Drugs               | 9,100  | 58.1%         | 2.8%         | 3.1%         | 8.4%         | 5.9%         | 0.0%      | 14.9%        | 6.8%         | 100%          |
| All crimes          | 36,913 | 51.3%         | 3.2%         | 7.0%         | 9.3%         | 4.2%         | 0.2%      | 18.8%        | 6.0%         | 100%          |
| <b>Total N</b>      |        | <b>18,952</b> | <b>1,166</b> | <b>2,597</b> | <b>3,434</b> | <b>1,549</b> | <b>67</b> | <b>6,948</b> | <b>2,200</b> | <b>36,913</b> |

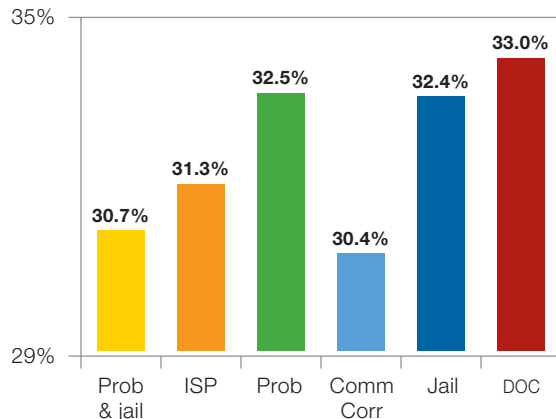
**Notes:** \*Includes deferred adjudications and sentences. \*\*Intensive Supervision Probation.

**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

## Characteristics of who goes where

Figure 3.18, Figure 3.19, and Table 3.22 display demographic information on the offenders sentenced in Colorado in 2008.

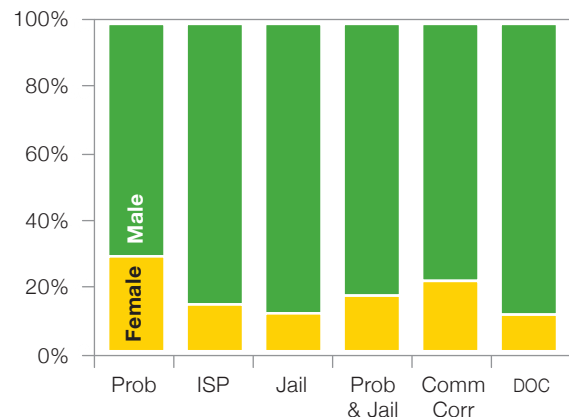
Figure 3.18. Average age and placement: Colorado criminal cases closed in 2008 (N=36,806)



**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- Depending on the placement, the average age of offenders sentenced in 2008 ranged from 30.4 and 33.0 years.
- Younger offenders were typically sentenced to probation, while older offenders were more likely to receive a prison sentence. This likely reflects the offender's criminal history: younger offenders have had less time compared to older offenders to accumulate this history.
- The largest proportion of offenders is sentenced to regular probation (66.9 percent for women, and 47.0 percent for men).

Figure 3.19. Gender and placement: Colorado criminal cases closed in 2008 (N=34,490)



**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- Women are far less likely than men to be sentenced to any type of incarceration, including prison, jail, or probation with jail. However, almost the same percentage of women and men were sent to community corrections.
- Asian individuals are more likely to be sentenced to regular probation, and least likely to be sentenced to prison than any other ethnic group.
- Black offenders are most likely to receive a prison sentence than other ethnic groups at 28.3 percent, followed by American Indians and Hispanics at 20.3 and 20.2 percent, respectively.
- Only 18.9 percent of all offenders convicted in criminal cases are sent to prison.
- Jail sentences, including probation sentences with jail, are given to Hispanic offenders more often than any other ethnic group at 20.6 percent.

Table 3.22. Race and placement: Colorado criminal cases closed in 2008 (N=36,752)

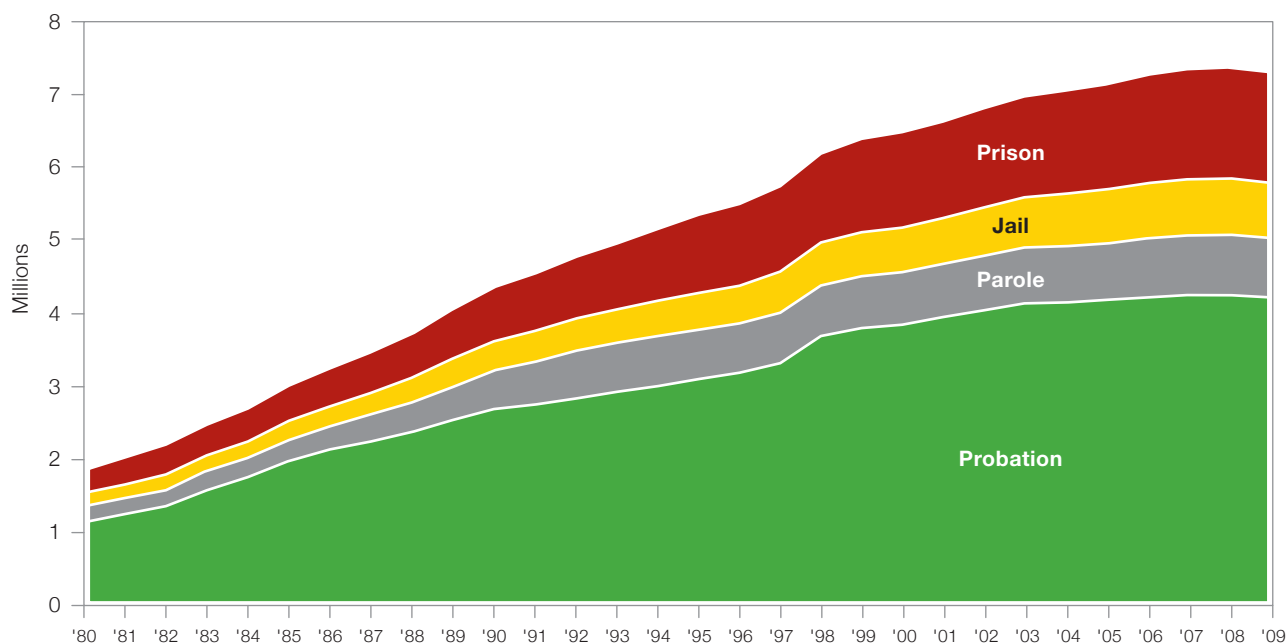
| Race            | Prob         | ISP         | Jail        | Prob & Jail | Comm Corr   | DOC          | Other       | Total       |
|-----------------|--------------|-------------|-------------|-------------|-------------|--------------|-------------|-------------|
| Asian           | 59.5%        | 2.7%        | 3.4%        | 11.6%       | 1.7%        | 15.3%        | 5.8%        | 100%        |
| Black           | 46.3%        | 4.2%        | 6.3%        | 7.1%        | 4.8%        | 28.3%        | 3.0%        | 100%        |
| Hispanic        | 48.3%        | 3.2%        | 8.5%        | 12.1%       | 3.2%        | 20.2%        | 4.5%        | 100%        |
| American Indian | 47.1%        | 1.6%        | 7.8%        | 7.8%        | 3.9%        | 25.3%        | 6.6%        | 100%        |
| Other           | 51.2%        | 2.7%        | 8.5%        | 5.2%        | 3.0%        | 20.3%        | 9.1%        | 100%        |
| White           | 52.6%        | 3.0%        | 6.8%        | 9.3%        | 4.3%        | 17.1%        | 6.8%        | 100%        |
| <b>Total</b>    | <b>51.4%</b> | <b>3.2%</b> | <b>6.9%</b> | <b>9.3%</b> | <b>4.2%</b> | <b>18.9%</b> | <b>6.1%</b> | <b>100%</b> |

**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

## How many people are under correctional supervision?

### National figures<sup>10</sup>

Figure 3.20. Correctional populations in the United States, 1980-2009



**Notes:** In 2009, population counts were revised to include adult jail counts; therefore, data may not be comparable to previously published BJS reports. Community supervision population counts for 2009 are for December 31; the 2000 and 2005-2008 counts are for January 1 from the next reporting year because some probation and parole agencies update their counts. See Methodology for more details. Jail counts are for June 30 and prison counts are for December 31. Jail totals represent adults held in local jails. Totals for 2000 and 2006-2009 are estimates based on the Annual Survey of Jails. See appendix table 3 for standard errors. Total for 2005 is a complete enumeration based on the 2005 Census of Jail Inmates. Prison totals include prisoners held in the custody of state or federal prisons and may include juveniles held in adult facilities in the 6 states with combined jail-prison systems. The custody prison population is not comparable to the jurisdiction prison population. 2007 and 2008 includes population counts estimated by BJS because some states were unable to provide data.

**Sources:** Glaze, L.E. (2010). *Correctional populations in the United States, 2009*. Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. NCJ 231681. Available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/cpus09.pdf>.

- According to the Bureau of Justice Statistics (BJS), at year-end 2009, over 7.2 million people in the United States were on probation, in jail or prison, or on parole. That equates to 3.1 percent of all U.S. adult residents or one in every 32 adults.
- Over five million adult men and women were supervised in the community, either on probation or parole at year-end 2009.
- State and federal correctional authorities had jurisdiction over 1,613,740 prisoners at year end 2009.
- Local jails held or supervised 767,620 people awaiting trial or serving a sentence at midyear 2009.
- The nation's incarcerated population, includes inmates held in state or federal prisons or in local jails, declined 0.7 percent between 2008 and 2009. This decline was attributed to the decrease in the jail population.

<sup>10</sup> Information in part from the Bureau of Justice statistics website, the corrections statistics page, available at <http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=1>.

## Colorado correctional figures<sup>11</sup>

Table 3.23. Colorado year-end correctional populations, 2000-2010

|          | Probation     | Community Corrections | YOS | DOC    | Parole |
|----------|---------------|-----------------------|-----|--------|--------|
| 12/31/10 | Not Available | 4,318                 | 274 | 22,804 | 11,014 |
| 12/31/09 | Not Available | 4,195                 | 232 | 22,661 | 11,655 |
| 12/31/08 | 66,000        | 4,229                 | 227 | 23,144 | 11,654 |
| 12/31/07 | 60,089        | 4,152                 | 211 | 22,735 | 11,086 |
| 12/31/06 | 50,081        | 3,965                 | 213 | 22,350 | 9,551  |
| 12/31/05 | Not Available | 3,708                 | 218 | 21,336 | 8,196  |
| 12/31/04 | Not Available | 3,594                 | 225 | 20,144 | 7,383  |
| 12/31/03 | 42,877        | 3,557                 | 242 | 19,454 | 6,559  |
| 12/31/02 | 42,554        | 3,194                 | 255 | 18,551 | 6,215  |
| 12/31/01 | 41,927        | 3,118                 | 273 | 17,150 | 5,733  |
| 12/31/00 | 39,355        | 3,760                 | 281 | 16,539 | 5,500  |

**Source:** Colorado Judicial Branch, Division of Probation Services. Division of Criminal Justice, Office of Community Corrections. Colorado Department of Corrections.

- In Colorado, over 34,000 people were under the jurisdiction of the Colorado Department of Corrections on December 31, 2010.
- At the end of 2010, a third (32.3 percent) of the DOC population was on parole. Between 2000 and 2010, the parole population has increased 100 percent.
- Over 4,300 offenders from probation and DOC were serving time in 35 residential, community-based half-way houses at year-end 2010.

<sup>11</sup> Colorado Judicial Branch, Division of Probation Services. Division of Criminal Justice, Office of Community Corrections. Colorado Department of Corrections.

## Probation in Colorado

The Colorado Judicial Branch is responsible for administering adult and juvenile probation to the state's 22 judicial districts. In FY 2010 there were 23 probation departments with over 50 separate probation offices throughout the state.

District court probation officers work within a range of regular and intensive probation programs in which they offer educational programs and refer probationers to treatment and skill-building programs. Regular (non-specialized) probation programs supervise offenders with less serious criminal records, while the more intensive specialized programs have been designed to address the risk and needs of more serious offenders. Specialized programs include adult intensive supervision (AISP), juvenile intensive supervision

(JISP), the female offender program (FOP), and sex offender intensive supervision for adults (SOISP). These programs offer targeted assessments and case evaluations, offense specific treatment, electronic monitoring, cognitive skills training, educational assessment, and literacy and employment programs. Without these specific probation programs, many higher risk offenders likely would be prison bound.

The number of adult offenders sentenced to regular probation in FY 2010 was 26,336 and on June 30, 2010 there were 41,107 adult offenders on supervision. In FY 2010, 66 percent of adults completed regular state probation successfully. An additional 2,125 adult offenders were sentenced to a specialized program and 15,625 were sentenced to private probation supervision.

Table 3.24. Outcomes: Adult probation in Colorado, FY 2010

|                            | Adult regular |       | Adult intensive supervision (AISP) |       | Sex offender intensive supervision (SOISP) |       | Female offender program (FOP) |       | Private probation non-DUI/ DWAI |       | Private probation DUI/DWAI |       | State monitored DUI/DWAI |       | Total               |       |  |
|----------------------------|---------------|-------|------------------------------------|-------|--------------------------------------------|-------|-------------------------------|-------|---------------------------------|-------|----------------------------|-------|--------------------------|-------|---------------------|-------|--|
| New clients sentenced      | N             | %     | N                                  | %     | N                                          | %     | N                             | %     | N                               | %     | N                          | %     | N                        | %     | N                   | %     |  |
| FY 2010                    | 26,336        | 50.1% | 1,434                              | 2.7%  | 473                                        | 0.9%  | 218                           | 0.4%  | 5,767                           | 11.0% | 9,858                      | 18.8% | 8,436                    | 16.1% | 52,522              | 100%  |  |
| Caseload                   |               |       |                                    |       |                                            |       |                               |       |                                 |       |                            |       |                          |       |                     |       |  |
| Active as of June 30, 2010 | 41,107        | 52.2% | 1,408                              | 1.8%  | 1,301                                      | 1.7%  | 287                           | 0.4%  | 9,067                           | 11.5% | 14,126                     | 17.9% | 11,448                   | 14.5% | 78,744              | 100%  |  |
| Terminations*              |               |       |                                    |       |                                            |       |                               |       |                                 |       |                            |       |                          |       |                     |       |  |
| Successful                 | 11,678        | 66.4% | 809                                | 65.6% | 138                                        | 39.1% | 99                            | 69.2% | 4,590                           | 77.7% | 8,762                      | 82.2% | 6,407                    | 72.8% | 32,483              | 72.7% |  |
| Unsuccessful-Revoked       | 3,144         | 17.9% | 317                                | 25.7% | 188                                        | 53.3% | 32                            | 22.4% | 614                             | 10.4% | 922                        | 8.7%  | 1,411                    | 16.0% | 6,628               | 14.8% |  |
| Unsuccessful-Absconded     | 2,754         | 15.7% | 108                                | 8.8%  | 27                                         | 7.6%  | 12                            | 8.4%  | 702                             | 11.9% | 973                        | 9.1%  | 987                      | 11.2% | 5,563               | 12.5% |  |
| Total                      | 17,576        | 100%  | 1,234                              | 100%  | 353                                        | 100%  | 143                           | 100%  | 5,906                           | 100%  | 10,657                     | 100%  | 8,805                    | 100%  | 44,674              | 100%  |  |
| Types of revocation        |               |       |                                    |       |                                            |       |                               |       |                                 |       |                            |       |                          |       |                     |       |  |
| New felony**               | 570           | 18.1% | 79                                 | 24.9% | 22                                         | 11.7% | 10                            | 31.3% | 65                              | 10.6% | 34                         | 3.7%  | 41                       | 2.9%  | 821                 | 12.4% |  |
| New misdemeanor***         | 756           | 24.0% | 51                                 | 16.1% | 8                                          | 4.3%  | 3                             | 9.4%  | 146                             | 23.8% | 288                        | 31.2% | 136                      | 9.6%  | 1,388               | 20.9% |  |
| Technical****              | 1,818         | 57.8% | 187                                | 59.0% | 158                                        | 84.0% | 19                            | 59.4% | 403                             | 65.6% | 600                        | 65.1% | 1,234                    | 87.5% | 4,419               | 66.7% |  |
| Total                      | 3,144         | 100%  | 317                                | 100%  | 188                                        | 100%  | 32                            | 100%  | 614                             | 100%  | 922                        | 100%  | 1,411                    | 100%  | 6,628               | 100%  |  |
| Length of stay             |               |       |                                    |       |                                            |       |                               |       |                                 |       |                            |       |                          |       |                     |       |  |
| 0-12 months                | 7,890         | 37.8% | Data not available.                |       |                                            |       |                               |       | 3,123                           | 52.2% | 6,424                      | 60.0% | 5,198                    | 57.4% | Data not available. |       |  |
| 13-24 months               | 7,537         | 36.1% |                                    |       |                                            |       |                               |       | 2,277                           | 38.1% | 3,931                      | 36.7% | 2,996                    | 33.1% |                     |       |  |
| 25-36 months               | 3,062         | 14.7% |                                    |       |                                            |       |                               |       | 422                             | 7.1%  | 322                        | 3.0%  | 855                      | 9.4%  |                     |       |  |
| 37+ months                 | 2,402         | 11.5% |                                    |       |                                            |       |                               |       | 161                             | 2.7%  | 29                         | 0.3%  |                          |       |                     |       |  |
| Total                      | 20,891        | 100%  |                                    |       |                                            |       |                               |       | 5,983                           | 100%  | 10,706                     | 100%  | 9,049                    | 100%  |                     |       |  |

**Notes:** \*Approximately half of the SOISP probationers are serving indeterminate sentences (minimum of 10 years). Therefore, it is important to consider terminations within the context of the active SOISP caseload. Many more probationers are being successfully supervised on SOISP (1,301) than are terminating (215) as reflected in the 6/30/2010 active caseload and termination table. \*\*New felony: Included revocations for a new felony offense committed while on probation. \*\*\*New misdemeanor: Includes revocations for a new misdemeanor offense committed while on probation. \*\*\*\*Technical: Includes revocations for technical probation supervision violations (i.e. drug use, non-compliance).

**Source:** Colorado Judicial Branch. (2010). *Annual statistical report fiscal year 2010*. Denver, CO: Supreme Court of Colorado. Available at <http://www.courts.state.co.us/Administration/Custom.cfm/Unit/annrep>.

## Intensive specialized programs

### Adult Intensive Supervision Probation (AISP)

Implemented in 1982, the Adult Intensive Supervision Probation program is a community-sentencing alternative to incarceration for high-risk adult offenders. The program is designed to deliver intensive case management, including daily contact between the offender and the supervising officer, increased levels of drug testing, curfews, electronic monitoring, home visits by the officer, employment or educational/vocational efforts and required attendance in treatment, as deemed necessary. There are 59.75 FTE AISP officers, and each AISP officer's caseload is capped at 25 offenders. In FY 2010 there were 1,434 offenders sentenced to AISP and on June 30, 2010 there were 1,408 on AISP. In FY 2010, 66 percent of the AISP offenders successfully completed the program who might otherwise have served sentences at the Department of Corrections.

### Female Offender Program (FOP)

The Female Offender Program began as a pilot project funded by a federal grant in 1991. It is designed to intervene in the lives of high risk, substance abusing female offenders. Based on the positive results from the pilot program, the General Assembly provided state funding in 1995. The program is designed to deliver intensive, female-specific programming and case management. It includes frequent contacts with the supervising officer, skill building, regular employment or vocational/educational efforts, drug testing, home visits by the officer, electronic monitoring and participation in treatment, as necessary. The program was terminated in FY 2004 as a result of required budget reductions following severe state revenue shortfalls, but it was re-funded by the General Assembly in FY 2005. There are 9.5 FTE FOP officers located in 10 judicial districts (where the highest percent of women are sentenced to DOC), and each are assigned a caseload of no more than 30 offenders. In FY 2010 there were 218 female offenders sentenced to the FOP and on June 30, 2010 there were 287 on FOP. In FY 2010, 69 percent of the women successfully completed the FOP program who might otherwise have served time at the Department of Corrections.

### Sex Offender Intensive Supervision Probation (SOISP)

This program is designed to provide the highest level of supervision to adult sex offenders who are placed on probation. In FY 1998, this program was initially created in statute for lifetime supervision cases. But a statutory change made in FY 2001 mandated SOISP for all felony sex offenders convicted on or after July 1, 2001.

Colorado adopted a model of containment in the supervision and management of sex offenders.<sup>12</sup> Depending on the offender, elements of containment may include severely restricted activities, daily contact with a probation officer, curfew checks, home

visitation, employment visitation and monitoring, drug and alcohol screening, and/or sex offense specific treatment to include the use of polygraph testing to ensure supervision compliance. SOISP consists of three phases, each with specific criteria that must be met prior to a reduction in the level of supervision. The program design includes a capped caseload of 25 offenders per SOISP officer. In FY 2010 there were 473 offenders sentenced to SOISP and on June 30, 2010 there were 1,301 on SOISP. In FY 2010, 39 percent of the SOISP offenders successfully completed this program who might otherwise have served sentences at the Department of Corrections. Also important to note is that approximately half of the SOISP probationers are serving indeterminate sentences (minimum of 10 years), so even fewer offenders in this group are eligible for termination each year.

## Other Probation Programs

### Private Probation

In FY 1996 the Colorado Division of Probation Services initiated the use of private probation for the supervision of adult offenders. Private probation agencies currently supervise low-risk adult offenders, allowing state probation officers to focus their supervision efforts on the more time-consuming higher-risk offenders. In FY 2010 there were 15,625 offenders sentenced to private probation of which 9,858 were on supervision for a DUI/DWAI while another 5,767 were sentenced for some other criminal offense. As of June 30, 2010 there were 23,193 offenders being supervised by private probation in Colorado. In FY 2010 private probation successfully terminated 82 percent of DUI/DWAI offenders and another 78 percent of criminal offenders.

### State Monitored DUI/DWAI Offenders

In FY 2007 the Alcohol and Drug Driving Safety (ADDS) Program was fully integrated within each probation department throughout the state. This program conducts drug and alcohol evaluations and makes treatment recommendations for offenders convicted of driving under the influence of, or impaired by, drugs or alcohol. In FY 2010 there were 8,436 offenders sentenced to monitoring. On June 30, 2010 there were 11,448 DUI/DWAI offenders being monitored by State Probation. In FY 2010 state probation successfully terminated 73 percent of the DUI/DWAI monitored offenders.

**Source:** Adapted from information provided in the FY 2010 Judicial report. Colorado Judicial Branch. (2010). *Annual statistical report fiscal year 2010*. Denver, CO: Supreme Court of Colorado. Available at <http://www.courts.state.co.us/Administration/Custom.cfm/Unit/annrep>.

<sup>12</sup> For more information about this model, see English, K., Pullen, S., and Jones, L. (1996). *Management of Adult Sex Offenders: A Containment Approach*. American Probation and Parole Association, Lexington, KY. Other articles and publications on this model are available from DCJ's Office of Research and Statistics.

## Community Corrections<sup>13</sup>

Colorado's community corrections system is comprised of specific halfway house facilities that provide residential and non-residential services to convicted offenders. At the time of publication of this report, Colorado had 35 residential and 27 non-residential operations. These programs provide an intermediate sanction at the front end of the system between probation and prison, and reintegration services at the end of the system between prison and parole. Community corrections placements allow offenders access to community resources, including treatment and employment opportunities, while living in a staff secure correctional setting.<sup>14</sup> These facilities, often referred to as programs, receive state funds but are based and operated in local communities.

Offenders can be referred to community corrections by the sentencing judge or by officials at the Department of Corrections (DOC). The judicial placement is considered a diversion from prison, and these cases are called "diversion clients." The DOC placement of offenders in halfway houses serves as a method of transitioning prisoners back into the community and these cases are referred to as "transition clients." Diversion clients are responsible to the probation department while transition clients are under the jurisdiction of the DOC's Division of Adult Parole and Community Corrections. Both diversion and transition clients are housed together and participate in programming together. While the two types of clients are subject to a few differences in policies from their "host agency," they are required to abide by the same sets of house rules and are subject to similar consequences when rules are broken.

Per statute, each jurisdiction has a community corrections board, appointed by the county commissioners, to screen offender referrals and to oversee the operation of the facilities. Board members typically consist of both criminal justice professionals and citizens. In some locales, county governments operate their own community corrections facilities; in others, the local boards contract with private corporations that own and operate the programs. Regardless of the source of the referral, each case is individually reviewed and approved for placement in the local halfway house. Cases not approved by the board are returned to the judge or to DOC for alternative placement. Programs also have the authority to refuse placement.

Offenders in community corrections are expected to pay for much of their treatment in the community. In addition, offenders are expected to pay \$17 per day for room and board, plus make other efforts to pay court costs, restitution, child support and other fines and fees. During FY 2008 community corrections offenders earned over \$32.6 million and paid over \$11.5 million toward their room and board, and paid over \$2.8 million in state and federal taxes while in the program.

In June 2010, the Division of Criminal Justice published a report, Fiscal Year 2008 Community Corrections Program Terminations: Client Needs, Services and Outcomes. This report summarizes data concerning terminations from residential community correction programs in FY 2008. A total of 5,174 offenders (2,475 diversion and 2,699 transition) terminated from Colorado community correction programs.

Table 3.25. Program termination status over time: FY 2000-FY 2008

|                            | Successful Completion | Technical Violation | Escape | New Crime | N     |
|----------------------------|-----------------------|---------------------|--------|-----------|-------|
| <b>Diversion programs</b>  |                       |                     |        |           |       |
| 2008                       | 61.3%                 | 23.3%               | 12.0%  | 3.4%      | 2,381 |
| 2007                       | 59.3%                 | 24.0%               | 13.5%  | 3.2%      | 2,460 |
| 2006                       | 54.6%                 | 25.1%               | 17.4%  | 2.9%      | 2,375 |
| 2005                       | 50.7%                 | 26.4%               | 19.5%  | 3.4%      | 2,594 |
| 2004                       | 52.2%                 | 25.3%               | 20.9%  | 1.6%      | 2,471 |
| 2000-2003                  | 58.8%                 | 22.8%               | 16.7%  | 1.7%      | 8,194 |
| <b>Transition programs</b> |                       |                     |        |           |       |
| 2008                       | 65.9%                 | 19.1%               | 11.5%  | 3.5%      | 2,672 |
| 2007                       | 65.3%                 | 20.1%               | 11.7%  | 2.8%      | 2,469 |
| 2006                       | 62.8%                 | 20.3%               | 14.0%  | 3.0%      | 2,450 |
| 2005                       | 58.8%                 | 24.0%               | 14.1%  | 3.0%      | 2,499 |
| 2004                       | 60.1%                 | 23.4%               | 15.2%  | 1.3%      | 2,354 |
| 2000-2003                  | 67.2%                 | 19.9%               | 11.8%  | 1.1%      | 7,636 |

**Note:** Excludes those whose termination reason was the transfer to an intensive residential treatment program.

**Source:** Community Corrections termination data provided by the Division of Criminal Justice Office of Community Corrections and analyzed by the Office of Research and Statistics.

<sup>13</sup> Adapted from Hetz-Burrell, N., & English, K. (2006). *Community Corrections in Colorado: A study of program outcomes and recidivism*, FY00 FY04. Denver, CO: Colorado Division of Criminal Justice, Office of Research and Statistics.

<sup>14</sup> The facilities are non-secure, however, each provides 24-hour staffing. Each offender must sign out and in as they leave and return to the facility, and staff monitor the location of off-site offenders by field visits and telephone calls. Several facilities use electronic monitoring and a few programs use geographic satellite surveillance to track offenders when they are away from the halfway house.

- The majority of individuals in community corrections during FY 2008 successfully completed their placement.
  - > 61.3 percent of diversion clients successfully completed community corrections in FY 2008, and
  - > 65.9 percent of transition clients successfully completed community corrections.
  - > On average, transition clients were more than three years older than diversion offenders (35.9 years compared to 32.7 years, respectively), a fact that likely contributes to the higher success rate among this group.
  - > Considerable variation existed in successful completion rates across programs, in part because different programs manage offenders with differing levels of severity.
- Compared to diversion clients, transition clients were more often male, African American, were older, and had a lengthier criminal history.
- Both diversion and transition clients had high needs for services, as measured by the Level of Supervision Inventory.<sup>15</sup> However, diversion offenders had statistically greater needs in the following areas:
  - > Family/marital relationships,
  - > Accommodation,<sup>16</sup>
  - > Use of leisure time,
  - > Substance abuse problems, and
  - > Emotional or personal problems that interfere with functioning.
- Transition offenders had significantly greater needs on the LSI for education and employment services.
- The two populations varied little in their treatment plans. Nonetheless, diversion clients received more services in all areas with the exception of anger management.
- Treatment plans and services received were often not well matched. Approximately half of those whose treatment plan elements included employment or educational services actually received them.
- Diversion clients benefited from substance abuse treatment and cognitive restructuring programming. These programs significantly contributed to program success

<sup>15</sup> The Level of Supervision Inventory is a 54-item assessment tool that identifies offender needs for services. The higher the score, the greater the service needs of the offender.

<sup>16</sup> Higher accommodation scores result from frequent address changes, living in a high crime neighborhood, or other housing problems.

## Specialized programs

### Intensive Residential treatment (IRT)

*Intensive Residential Treatment serves both diversion and transition populations. IRT is a 45 day substance abuse program reserved for offenders that have been unsuccessful in previous treatment. These offenders are removed from the community and placed in a professionally supervised therapeutic environment.*

### Mental Health

*These programs serve both diversion and transition offenders that have been identified as having significant mental health issues that could interfere with their ability to be successful in the community. These programs provide mental health treatment and increased surveillance to insure the safety of both the offender and the public.*

### The John Eachon Re-entry Program (JERP)

*John Eachon Re-entry Program serves Department of Corrections offenders and parolees who have been diagnosed with a serious mental illness. These offenders find it difficult to remain in the community without increased services. These offenders receive individual treatment and other mental health services, medication as required, employment assistance, access to educational opportunities, if appropriate, and assistance from staff to overcome day-to-day community living issues.*

### Therapeutic Community Day Treatment

*Specialized non-residential drug treatment services for offenders who are stable in treatment and in the community. This program allows offenders to progress out of residential placement more quickly. The offenders then report daily to the program for continued treatment.*

**Source:** Office of Community Corrections, Division of Criminal Justice.

once other relevant factors, including criminal history, needs (as measured by the LSI), length of stay in the program and client age were taken into account.

- Diversion clients scored statistically significantly higher on the Adult Substance Abuse Survey (ASUS) compared to Transition clients, on both the total score and on nearly every subscore domain, reflecting a greater need for treatment services for alcohol and drug problems.

- Transition clients who succeeded in the program did not benefit from programming or services, as measured by the termination form, once criminal history, needs levels, length of stay in the program, and age were controlled for.
- Employment is a condition of residency in most community corrections programs. Employment proved to be a much more significant factor in program success than services received. Employed clients were over three times as likely to be successfully terminated as those who were unemployed.
- Client age was the most significant predictor of success, followed by offender service needs.
  - > Educational status was an equally strong predictor of success for transition clients.
  - > While criminal history is an important factor, this was found to be less significant than client age, LSI score, and educational attainment.
  - > Clients aged 35 and over were significantly more likely to succeed than those aged 34 and under. Older diversion clients were 134 percent more likely, and older transition clients 88 percent more likely, to successfully terminate than younger clients. In terms of total LSI score, diversion clients scoring under 30 were 59 percent more likely to succeed. Transition clients with an LSI score under 30 were 72 percent more likely to successfully terminate.

## Colorado's Department of Corrections

### Prison system

The mission of the Colorado Department of Corrections (DOC) is to manage offenders in the controlled environments of prisons, community-based facilities and parole programs and provide work and self-improvement opportunities to assist offenders in community reintegration.

In FY 2010, 34,679 offenders (22,980 inmates, 229 in the Youthful Offender System, and 11,470 under parole supervision) were under the jurisdiction of the DOC. This was a 0.9 percent decrease from the prior year.

When an adult offender is sentenced to the Department of Corrections, the first stop is the Denver Reception and Diagnostic Center (DRDC). Here the offender will undergo a complete evaluation of medical, dental, mental health, and personal needs, along with academic and vocational testing, and custody level recommendation. This occurs prior to placement at one of the Department's permanent prison facilities.

There are currently 25 correctional facilities in Colorado. Twenty-one of these facilities are operated by the state, while an additional four are privately owned and under contract with the state. These facilities represent five different security levels and house offenders with a designated custody classification. There are five custody levels: minimum, minimum-restricted, medium, maximum or close, and administrative segregation. Custody levels are determined through the use of rating instruments.

Table 3.26. Prisoner custody classifications, June 30, 2010

| Security level                 | Total       |
|--------------------------------|-------------|
| Administrative segregation (V) | 6.0%        |
| Maximum/Close (IV)             | 16.0%       |
| Medium (III)                   | 21.0%       |
| Minimum-restrictive (II)       | 27.0%       |
| Minimum (I)                    | 30.0%       |
| <b>Total</b>                   | <b>100%</b> |

**Note:** These prison custody classifications do not include offenders at YOS.

**Source:** Colorado Department of Corrections. (2011). *Statistical report: Fiscal year 2010*. Colorado Springs, CO: Office of Planning and Analysis, Colorado Department of Corrections. Available at <http://www.doc.state.co.us/opa-publications/97>.

Table 3.27. Colorado Department of Corrections facilities

|                                                   | Security level | Location         |
|---------------------------------------------------|----------------|------------------|
| <b>Public facilities</b>                          |                |                  |
| Arrowhead Correctional Center (ACC)               | II             | Canon City       |
| Arkansas Valley Correctional Facility (AVCF)      | III            | Crowley          |
| Buena Vista Correctional Complex (BVCC)           | III            | Buena Vista      |
| Colorado Correctional Center (CCC)                | I              | Golden           |
| Centennial Correctional Facility (CCF)            | IV             | Canon City       |
| Colorado State Penitentiary (CSP)                 | V              | Canon City       |
| Colorado Territorial Correctional Facility (CTCF) | III            | Canon City       |
| Delta Correctional Center (DCC)                   | I              | Delta            |
| Denver Reception & Diagnostic Center (DRDC)       | V              | Denver           |
| Denver Women's Correctional Facility (DWCF)       | V              | Denver           |
| Fremont Correctional Facility (FCF)               | III            | Canon City       |
| Fort Lyon Correctional Facility (FLCF)            | III            | Fort Lyon        |
| Four Mile Correctional Facility (FMCC)            | II             | Canon City       |
| Limon Correctional Facility (LCF)                 | IV             | Limon            |
| La Vista Correctional Facility (LVCF)             | III            | Pueblo           |
| Rifle Correctional Facility (RCF)                 | I              | Rifle            |
| Skyline Correctional Center (SCC)                 | I              | Canon City       |
| San Carlos Correctional Facility (SCCF)           | V              | Pueblo           |
| Sterling Correctional Facility (SCF)              | V              | Sterling         |
| Trinidad Correctional Facility (TCF)              | II             | Model            |
| Youthful Offender System (YOS)                    | III            | Pueblo           |
| <b>Private prisons</b>                            |                |                  |
| Bent County Correctional Facility (BCCF)          | III            | Las Animas       |
| Crowley County Correctional Facility (CCCF)       | Medium         | Olney Springs    |
| Cheyenne Mountain Re-entry Center (CMRC)          | Medium         | Colorado Springs |
| Kit Carson Correctional Facility (KCCF)           | Medium         | Burlington       |

**Source:** The Colorado Department of Corrections website available at <http://www.doc.state.co.us/colorado-department-corrections-facilities>.

**Level I:** Designated boundaries, but not necessarily perimeter fencing. Inmates classified as minimum may be incarcerated in level I facilities.

**Level II:** Designated boundaries include a single or double perimeter fence, and the perimeter is patrolled periodically. Inmates classified as minimum restrictive and minimum may be incarcerated in level II facilities.

**Level III:** Include towers, a wall or double perimeter fencing with razor wire, and detention devices. The perimeter of the facility is continuously patrolled. Inmates classified at medium or lower classifications may be incarcerated at level III facilities.

**Level IV:** Include towers, a wall or double perimeter fencing with razor wire, and detention devices. The perimeter is continuously patrolled and inmates classified as close and lower classification levels may be incarcerated at level IV facilities. Inmates of higher classification can be housed at level IV facilities but not on a long-term basis.

**Level V:** Include towers or stun-lethal fencing and controlled sally ports, double perimeter fencing with razor wire and detection devices or equivalent security architecture. These facilities represent the highest security level and are capable of accommodating all classification levels.

Colorado Department of Corrections. (2011). *Statistical report: Fiscal year 2010*. Colorado Springs, CO: Office of Planning and Analysis, Colorado Department of Corrections. Available at <http://www.doc.state.co.us/opa-publications/97>.

## Parole system<sup>17</sup>

Parole is the supervision of offenders released from Colorado correctional facilities by the Colorado Parole Board or authorized under the Interstate Compact for the Supervision

of Probationers and Parolees to reside in Colorado. In FY 2010, the average daily population for parole was 8,657 offenders.

**Mandatory vs. discretionary parole.** Colorado statutes provide for both discretionary and mandatory parole periods. A mandatory parole release occurs when parole is granted on the latest possible release date under the offender's sentence. Discretionary parole release occurs when the offender is released sometime between their parole eligibility date and their mandatory release date. Most offenders are eligible for discretionary parole once 50 percent of their sentence has been served, minus earned time. In general, including earned time, the earliest an offender is eligible for release is after serving 37.5 percent of their sentence. Certain violent offenders are required to serve 75 percent of their sentence, minus earned time.

Table 3.28. Adult prison releases to parole, FY 2010

|                        | FY 2010      |
|------------------------|--------------|
| Discretionary parole   | 2,868        |
| Mandatory parole       | 3,194        |
| Mandatory reparole     | 2,470        |
| HB 1351 mandatory      | 515          |
| Accelerated transition | 287          |
| <b>Total</b>           | <b>9,334</b> |

**Note:** Discretionary parole: released to parole through Parole Board discretion prior to mandatory release or sentence discharge date. Mandatory parole: Released to parole on mandatory release date. Mandatory reparole: Reparoled on specific date set by Parole Board (includes S.B. 252 reparoles).

**Source:** Colorado Department of Corrections. (2011). *Statistical report: Fiscal year 2010*. Colorado Springs, CO: Office of Planning and Analysis, Colorado Department of Corrections. Available at <http://www.doc.state.co.us/opa-publications/97>.

**Parole Board.** The decision to release an offender onto parole is made by an independent seven-member board appointed by the Governor and confirmed by the Colorado Senate. Each board member works independently to decide if parole will be denied or granted as well as to determine conditions of parole. Decisions must be reviewed and signed by a second board member. Common conditions of parole include the requirements that an offender must maintain an approved residence and attend treatment programs.

**Parole violations.** In the event that a parolee violates the conditions of parole, the parolee is arrested and required to appear at an evidentiary hearing before the parole board or an administrative law judge (when the offender is on interstate parole). The board or administrative law judge determines guilt or innocence regarding the alleged parole violation. If the offender is found guilty, the board will

<sup>17</sup> Information in part from the Colorado Department of Corrections, Division of Adult Parole, Community Corrections, and Youthful Offender System website available at <http://www.doc.state.co.us/adult-parole-information>.

impose sanctions (i.e. revoke parole, continue it in effect, or modify the conditions of parole).

**Supervision.** The Division of Adult Parole supervises offenders in four regions throughout the state (Denver, Northeast, Southeast, and Western). With the goal of reducing any further criminal behavior, offenders are provided assistance in the areas of employment counseling, mental health and substance abuse treatment referrals, residential planning, and life skills. Offenders are routinely monitored for alcohol and substance abuse with mandatory drug testing.

Parole officers meet with offenders and may meet with their families, sponsors, treatment providers and employers to monitor the offender's compliance with their parole conditions. In addition to regular parole, there is intensive supervision parole (ISP). ISP was established for the higher risk and higher needs offenders who present an increased risk to the community. Due to their increased risk, the ISP offender undergoes increased supervision, constant surveillance via the use of electronic monitoring, participate in a daily call-in system or a Global Positioning Satellite (GPS) system, and weekly visits with their parole officers. As of June 30, 2010, the Division of Adult Parole supervised 8,535 parolees (6,905 regular parole and 1,630 intensive supervision parole), while another 2,100 are being supervised in other states by the interstate compact office.

Table 3.29. Parole caseload, June 30, 2010

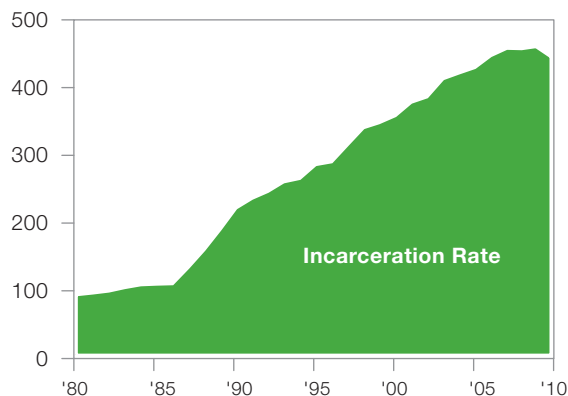
|                              | Domestic     | Interstate compact | Total caseload |
|------------------------------|--------------|--------------------|----------------|
| <b>Denver Region</b>         |              |                    |                |
| Regular                      | 2,552        | 79                 | 2,631          |
| ISP                          | 732          |                    | 732            |
| <b>Subtotal</b>              | <b>3,284</b> | <b>79</b>          | <b>3,363</b>   |
| <b>Northeast Region</b>      |              |                    |                |
| Regular                      | 1,810        | 99                 | 1,909          |
| ISP                          | 405          |                    | 405            |
| <b>Subtotal</b>              | <b>2,215</b> | <b>99</b>          | <b>2,314</b>   |
| <b>Southeast Region</b>      |              |                    |                |
| Regular                      | 1,692        | 78                 | 1,770          |
| ISP                          | 351          |                    | 351            |
| <b>Subtotal</b>              | <b>2,043</b> | <b>78</b>          | <b>2,121</b>   |
| <b>Western region</b>        |              |                    |                |
| Regular                      | 544          | 51                 | 595            |
| ISP                          | 142          |                    | 142            |
| <b>Subtotal</b>              | <b>686</b>   | <b>51</b>          | <b>737</b>     |
| <b>Total Caseload</b>        |              |                    |                |
| Regular                      | 6,598        | 307                | 6,905          |
| ISP                          | 1,630        |                    | 1,630          |
| <b>Total</b>                 | <b>8,228</b> | <b>307</b>         | <b>8,535</b>   |
| <b>Out of state parolees</b> |              |                    |                |
| <b>Out of state parolees</b> |              |                    | <b>2,100</b>   |

**Source:** Colorado Department of Corrections. *Colorado Department of Corrections monthly population and capacity report as of June 30, 2010.* Available at <http://www.doc.state.co.us/opa-publications/96>.

## Incarceration rates

Incarceration rates refer to the number of offenders incarcerated in state or federal prisons or in local jails per 100,000 population. In FY 2010, the incarceration rate decreased 2.5 percent from the prior fiscal year.

Figure 3.21. Colorado incarceration rates, FY 1980 to FY 2010



**Notes:** Incarceration rates are computed as the ratio of the average number of offenders incarcerated during a fiscal year per 100,000 Colorado residents. State population estimates are obtained from the Colorado State Demographers Office, Department of Local Affairs.

**Source:** Colorado Department of Corrections Statistical Reports.

Table 3.30. Incarceration rates for prisoners under the jurisdiction of state or federal prisons or in local jails, year-end 2000, 2008, and 2009

|              | 2000       | 2008       | 2009       | Average annual percent change 2000-2008 | Percent change 2008-2009 |
|--------------|------------|------------|------------|-----------------------------------------|--------------------------|
| <b>Total</b> | <b>684</b> | <b>756</b> | <b>743</b> | <b>1.3%</b>                             | <b>-1.6%</b>             |

**Note:** The total number of inmates in custody per 100,000 U.S. residents. Resident population estimates were as of January 1 of the following year.

**Source:** Glaze, L.E. (2010) Correctional populations in the United States, 2009. Washington D.C.: Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. NCJ 231681. Available at <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&id=2316>.

Table 3.31. Prisoners under the jurisdiction of state or federal correctional authorities, year-end 2000, 2008 and 2009

| Region and jurisdiction | Number of prisoners |                  |                  | Percent change |              |
|-------------------------|---------------------|------------------|------------------|----------------|--------------|
|                         | 2000                | 2008             | 2009             | 2000-2008      | 2008-2009    |
| <b>U.S. Total</b>       | <b>1,391,261</b>    | <b>1,609,759</b> | <b>1,613,740</b> | <b>1.8%</b>    | <b>0.2%</b>  |
| Federal                 | 145,416             | 201,280          | 208,118          | 4.1%           | 3.4%         |
| State                   | 1,245,845           | 1,408,479        | 1,405,622        | 1.5%           | -0.2%        |
| <b>West</b>             | <b>272,427</b>      | <b>318,211</b>   | <b>317,123</b>   | <b>2.0%</b>    | <b>-0.3%</b> |
| Alaska*                 | 4,173               | 5,014            | 5,285            | 2.3%           | 5.4%         |
| Arizona***              | 26,510              | 39,589           | 40,627           | 5.1%           | 2.6%         |
| California              | 163,001             | 173,670          | 171,275          | 0.8%           | -1.4%        |
| Colorado                | 16,833              | 23,274           | 22,795           | 4.1%           | -2.1%        |
| Hawaii*                 | 5,053               | 5,955            | 5,891            | 2.1%           | -1.1%        |
| Idaho                   | 5,535               | 7,290            | 7,400            | 3.5%           | 1.5%         |
| Montana                 | 3,105               | 3,545            | 3,605            | 1.7%           | 1.7%         |
| Nevada                  | 10,063              | 12,743           | 12,482           | 3.0%           | -2.0%        |
| New Mexico              | 5,342               | 6,402            | 6,519            | 2.3%           | 1.8%         |
| Oregon                  | 10,580              | 14,167           | 14,403           | 3.7%           | 1.7%         |
| Utah                    | 5,637               | 6,552            | 6,533            | 1.9%           | -0.3%        |
| Washington              | 14,915              | 17,926           | 18,233           | 2.3%           | 1.7%         |
| Wyoming                 | 1,680               | 2,084            | 2,075            | 2.7%           | -0.4%        |

Continued on next page.

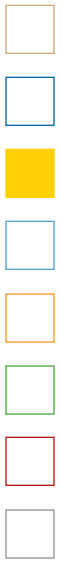


Table 3.31. (cont.) Prisoners under the jurisdiction of state or federal correctional authorities, year-end 2000, 2008 and 2009

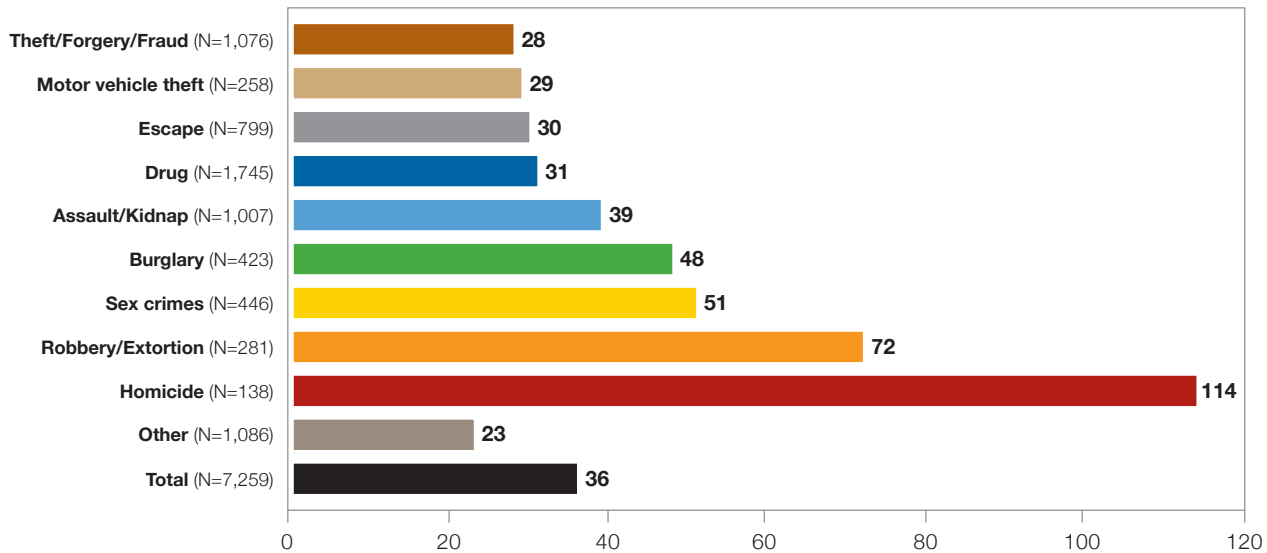
| Region and jurisdiction | Number of prisoners |                |                | Percent change | Percent change |
|-------------------------|---------------------|----------------|----------------|----------------|----------------|
|                         | 2000                | 2008           | 2009           | 2000-2008      | 2008-2009      |
| <b>Midwest</b>          | <b>237,378</b>      | <b>264,314</b> | <b>261,603</b> | <b>1.4%</b>    | <b>-1.0%</b>   |
| Illinois                | 45,281              | 45,474         | 45,161         | 0.1%           | -0.7%          |
| Indiana                 | 20,125              | 28,322         | 28,808         | 4.4%           | 1.7%           |
| Iowa                    | 7,955               | 8,766          | 8,813          | 1.2%           | 0.5%           |
| Kansas                  | 8,344               | 8,539          | 8,641          | 0.3%           | 1.2%           |
| Michigan                | 47,718              | 48,738         | 45,478         | 0.3%           | -6.7%          |
| Minnesota               | 6,238               | 9,910          | 9,986          | 6.0%           | 0.8%           |
| Missouri                | 27,543              | 30,186         | 30,563         | 1.2%           | 1.2%           |
| Nebraska                | 3,895               | 4,520          | 4,474          | 1.9%           | -1.0%          |
| North Dakota            | 1,076               | 1,452          | 1,486          | 3.8%           | 2.3%           |
| Ohio                    | 45,833              | 51,686         | 51,606         | 1.5%           | -0.2%          |
| South Dakota            | 2,616               | 3,342          | 3,434          | 3.1%           | 2.8%           |
| Wisconsin               | 20,754              | 23,379         | 23,153         | 1.5%           | -1.0%          |
| <b>South</b>            | <b>561,214</b>      | <b>647,312</b> | <b>649,535</b> | <b>1.8%</b>    | <b>0.3%</b>    |
| Alabama                 | 26,332              | 30,508         | 31,874         | 1.9%           | 4.5%           |
| Arkansas                | 11,915              | 14,716         | 15,208         | 2.7%           | 3.3%           |
| Delaware*               | 6,921               | 7,075          | 6,794          | 0.3%           | -4.0%          |
| District of Columbia    | 7,456               | n/a            | n/a            | n/c            | n/c            |
| Florida                 | 71,319              | 102,388        | 103,915        | 4.6%           | 1.5%           |
| Georgia/c               | 44,232              | 52,719         | 53,371         | 2.2%           | 1.2%           |
| Kentucky                | 14,919              | 21,706         | 21,638         | 4.8%           | -0.3%          |
| Louisiana               | 35,207              | 38,381         | 39,780         | 1.1%           | 3.6%           |
| Maryland                | 23,538              | 23,324         | 22,255         | -0.1%          | -4.6%          |
| Mississippi             | 20,241              | 22,754         | 21,482         | 1.5%           | -5.6%          |
| North Carolina          | 31,266              | 39,482         | 39,860         | 3.0%           | 1.0%           |
| Oklahoma                | 23,181              | 25,864         | 26,397         | 1.4%           | 2.1%           |
| South Carolina          | 21,778              | 24,326         | 24,288         | 1.4%           | -0.2%          |
| Tennessee               | 22,166              | 27,228         | 26,965         | 2.6%           | -1.0%          |
| Texas                   | 166,719             | 172,506        | 171,249        | 0.4%           | -0.7%          |
| Virginia                | 30,168              | 38,276         | 38,092         | 3.0%           | -0.5%          |
| West Virginia           | 3,856               | 6,059          | 6,367          | 5.8%           | 5.1%           |
| <b>Northeast</b>        | <b>174,826</b>      | <b>178,642</b> | <b>177,361</b> | <b>0.3%</b>    | <b>-0.7%</b>   |
| Connecticut*            | 18,355              | 20,661         | 19,716         | 1.5%           | -4.6%          |
| Maine                   | 1,679               | 2,195          | 2,206          | 3.4%           | 0.5%           |
| Massachusetts           | 10,722              | 11,408         | 11,316         | 0.8%           | -0.8%          |
| New Hampshire**         | 2,257               | 2,702          | 2,731          | 2.3%           | 1.1%           |
| New Jersey              | 29,784              | 25,953         | 25,382         | -1.7%          | -2.2%          |
| New York                | 70,199              | 60,347         | 58,687         | -1.9%          | -2.8%          |
| Pennsylvania            | 36,847              | 49,215         | 51,429         | 3.7%           | 4.5%           |
| Rhode Island*           | 3,286               | 4,045          | 3,674          | 2.6%           | -9.2%          |
| Vermont*                | 1,697               | 2,116          | 2,220          | 2.8%           | 4.9%           |

**Notes:** \*Prisons and jails form one integrated system. Data include total jail and prison populations. \*\*Prison population for yearend 2008 is as of January 2, 2009. \*\*\*Prison population based on custody counts. n/a: Not applicable. As of December 31, 2001.

**Source:** West, H.C., Sabol, W.J., Greenman, S.J. (2010). *Prisoners in 2009*. Washington D.C.: Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. NCJ 231675. Available at <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=2>

## Average length of time in prison

Figure 3.22. Average months spent in prison by most serious conviction crime category: Offenders released in FY 2009 (N=7,259)



**Notes:** All figures are estimates based on preliminary data. Actual FY 2009 releases totaled 10,803. Releases of 3,571 technical violators who were previously returned to prison are excluded. Two individuals were missing required data and are excluded. Lengths of stay are rounded to the nearest whole month.

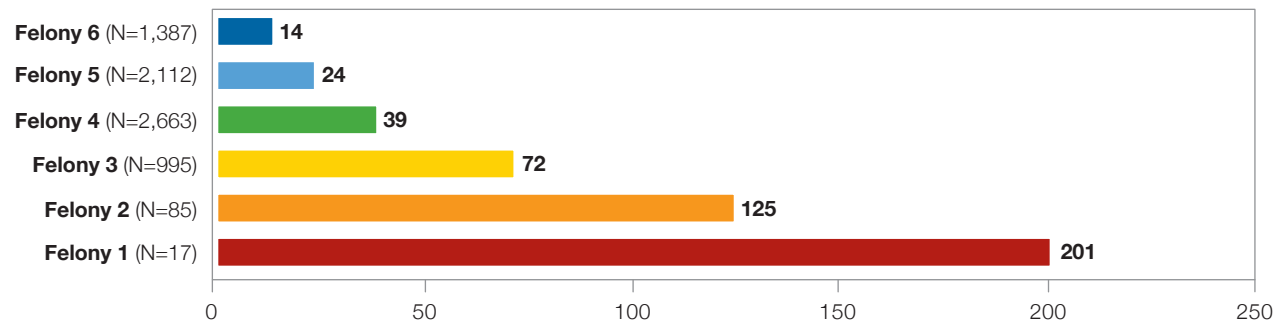
**Source:** Data provided by Office of Planning and Analysis, Colorado Department of Corrections. (2009). Analysis by Colorado Division of Criminal Justice, Office of Research and Statistics.

- There were 20,896 men and 2,290 women, totaling 23,186 people incarcerated at the end of FY 2009. This number excludes 217 youth in DOC's Youthful Offender System. This number declined to 22,860 by the end of FY 2010.<sup>18</sup>
- Only offenders who were actually released are included in this analysis so that actual time spent in prison can be calculated. It is important to note that this approach will always underestimate actual length of stay (LOS) because the group of those releasing is overrepresented by those who have been convicted of less serious crimes. Those with the longest lengths of stay are underrepresented in the analysis because they are still in prison.
- At the end of FY 2009, there were 2,294 offenders serving life sentences. Twenty-two percent (503) of these were without the possibility of parole. An additional two offenders were and remain under a death sentence.<sup>19</sup>
- Over half (60.9 percent) of the inmates serving life sentences were sex offenders incarcerated with indeterminate sentences, which could be as long as a life sentence.
- Sixty-eight percent (6,680) of the prison releases described in these tables were releases to parole.
- Average length of stay increases with the severity of the conviction felony class.
- Offenders convicted of homicide had the longest average period of incarceration, averaging 114 months. Those in the robbery/extortion categories had the second longest incarceration time, averaging 72 months.
- Those with sex crime convictions spent an average of 51 months in prison, followed closely by offenders convicted of burglary, who were incarcerated for 48 months on average.

<sup>18</sup> Colorado Department of Corrections Monthly Population and Capacity Report June 2009. Available at: <http://doc.state.co.us/opa-publications/96>.

<sup>19</sup> Barr, B. (2009). Offenders Serving Life Sentences. Colorado Springs, CO: Colorado Department of Corrections, Office of Planning and Analysis. Available at: <http://doc.state.co.us/opa-publications/101>.

Figure 3.23. Average months spent in prison by most serious felony class: Offenders released in FY 2009 (N=7,259)



**Notes:** All figures are estimates based on preliminary data. Actual FY 2009 releases totaled 10,803. Releases of 3,571 technical violators who were previously returned to prison are excluded. Two individuals were missing required data and are excluded. Lengths of stay are rounded to the nearest whole month.

**Source:** Data provided by Office of Planning and Analysis, Colorado Department of Corrections. (2009). Analysis by Colorado Division of Criminal Justice, Office of Research and Statistics.

- Those with “other”<sup>20</sup> offenses had the shortest incarceration periods, averaging 23 months. Prisoners with theft, forgery or fraud convictions had the next shortest average length of stay in prison, at 28 months.
- In FY 2009, 49 inmates died while in prison.<sup>21</sup>

For greater detail and a breakout of crimes included in each of these categories along with associated felony classes see Page 191 in Section 8.

<sup>20</sup> “Other” offenses include: arson, criminal mischief and trespassing, unspecified inchoate crimes, negligence, cruelty to animals, custody violations, criminal mischief, contributing to the delinquency of a minor, endangering public transportation, disarming a peace officer, rioting, smuggling of humans, organized crime, perjury, harassment, weapons-related crimes, false reporting, motor-vehicle related crimes (such as leaving the scene of an accident and vehicular eluding), and intimidation, retaliation, or tampering of a witness or evidence.

<sup>21</sup> Colorado Department of Corrections Monthly Population and Capacity Report June 2009. Available at: <http://doc.state.co.us/opa-publications/96>.

## Prison and parole populations in the years to come

The Colorado Division of Criminal Justice is mandated by the General Assembly to prepare population projections annually to provide a perspective of how the prison population is growing, and how many inmates will need to be accommodated in the future. These projections are adjusted each summer based upon actual year-end prison population data. The DCJ projection model incorporates census data with other information concerning the age, gender, offense profiles of new prison commitments, length of stay in prison, and the profile of prisoners carried over from the previous year. In addition, other factors that may influence prison population growth such as arrest and conviction rates, new legislation, policy changes and court decisions are incorporated into the projection model.

- The overall prison population declined by 1.4 percent during FY 2010, the first reduction observed to date. Growth significantly slowed over the prior three years, after doubling in size over the prior ten years.
- The Colorado adult prison population is expected to decline by 18.3 percent between the end of FY 2010 and June 2017, from an actual population of 22,860 to a projected population of 18,667 offenders.
- The reduction in growth has been particularly notable in the female inmate population, which has declined every year since FY 2008. The number of women in prison is expected to decrease 34.9 percent, from 2,094 to 1,364 by the end of FY 2017.

### Prison growth has slowed significantly

- In FY 2006, the population grew by a record 1,308. Subsequently, the prison population grew by only 197 inmates in FY 2009, and actually declined by 326 inmates over the most recent year.

### What accounts for the current reduction in prison growth?

- The population most at risk of criminal activity is the 19 through 39 year old age group. The growth rate for this age group is expected to remain low throughout the projection period.
- The state crime rate declined by 32.3 percent between 2005 and 2008, from 4,438 to 3,004 per 100,000

residents.<sup>22</sup> Criminal victimization rates have also declined slightly.<sup>23</sup>

- The number of felony court filings has declined each year since FY 2007, coinciding with a decline in new court commitments to prison. Between the end of FY 2006 and FY 2010, there was a 20.4 percent reduction in the number of felony cases prosecuted.<sup>24</sup>
- Admission growth has declined steadily since the end of FY 2005, mainly due to a decline in new court commitments. New commitments to prison have decreased at an accelerating rate during each of the past three years, by 1.3 percent in FY 2008, by 5.9 percent in FY 2009 and by 9.7 percent in FY 2010.<sup>25</sup>
- The number of women committed to prison has fallen over the past three years. This decline was most notable in FY 2010, when female new court commitments fell by 15.2 percent.
- The number of probationers revoked to DOC declined from 2,338 to 1,497 over the course of fiscal years 2008 through 2010, a 36.0 percent drop over three years.<sup>26</sup>
- The deceleration in prison growth is reflected nationally. The U.S. prison population grew 0.2 percent in 2009, the lowest rate since 2000. Twenty-four states reported a decline in the number of prisoners under their jurisdiction in 2009, up from the 20 states reporting a decline in 2008.<sup>27</sup>

<sup>22</sup> Federal Bureau of Investigation, Uniform Crime Reports. Available at <http://www.ucrdatatool.gov/>.

<sup>23</sup> This finding is according to the National Crime Victimization Survey and is not state-specific. Rand, M. (2007). *Criminal Victimization, 2007*. Washington, DC: Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice.

<sup>24</sup> Colorado Judicial Branch Annual Statistical Reports, FY 2005 – FY 2010. Available at: <http://www.courts.state.co.us/Administration/Unit.cfm/Unit/annrep>

<sup>25</sup> Colorado Department of Corrections. (2008 - 2010). *Admission and Release Trends Statistical Bulletins*. Colorado Springs, CO: Colorado Department of Corrections. Available at <http://doc.state.co.us/statistical-reports-and-bulletins>.

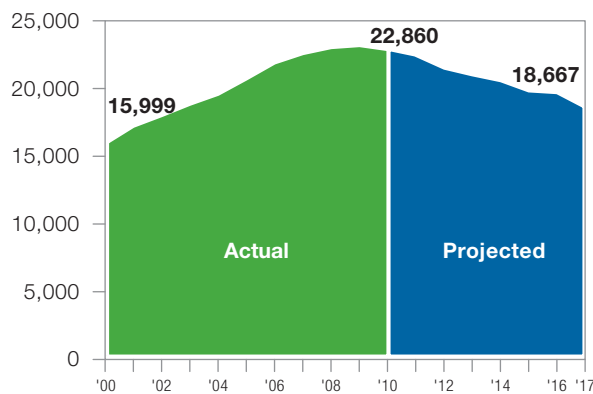
<sup>26</sup> Colorado Judicial Branch, Division of Probation Services. (2007 - 2010). *Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers*. Denver, CO: Colorado Judicial Branch, Division of Probation Services.

<sup>27</sup> West, H.C. and Sabol, W.J. (2010). *Prisoners in 2009*. Washington D.C.: U.S Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

## Why is the prison population expected to decline further?

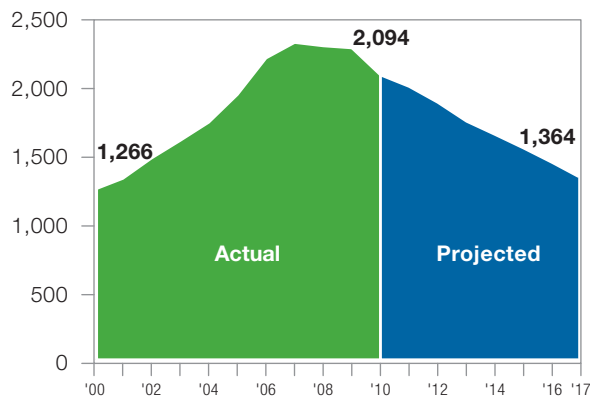
- In addition to the trends affecting the overall criminal justice system as described above, several key pieces of legislation were passed in 2010 which are expected to have a significant impact on the size of the prison population.
  - > House Bill 09-1351 increased the amount of earned time certain inmates can receive. In addition, certain qualified inmates can 'earn' their release 30 to 60 days

Figure 3.24. DCJ 2010 winter prison population projections: Actual and projected Colorado inmate populations



**Source:** Colorado Department of Corrections Monthly Population and Capacity Reports, available at: <http://www.doc.state.co.us/statistical-reports-and-bulletins>. Harrison, L. (2011). *Colorado Division of Criminal Justice Correctional Population Forecasts*. Denver, CO: Colorado Division of Criminal Justice, Office of Research and Statistics. Available at <http://dcj.state.co.us/ors/ppp.htm>.

Figure 3.25. DCJ 2010 winter prison population projections: Actual and projected Colorado female inmate populations



**Source:** Colorado Department of Corrections Monthly Population and Capacity Reports, available at: <http://www.doc.state.co.us/statistical-reports-and-bulletins>. Harrison, L. (2011). *Colorado Division of Criminal Justice Correctional Population Forecasts*. Denver, CO: Colorado Division of Criminal Justice, Office of Research and Statistics. Available at <http://dcj.state.co.us/ors/ppp.htm>.

prior to their mandatory release date. The enactment of this legislation has led to an increase in the number of prison releases in the first months of FY 2010, and is expected to shorten the amount of time certain offenders will spend in prison in the future. House Bill 10-1374 clarified several of the provisions of H.B. 09-1351 and was passed in the following legislative session.

- > House Bill 10-1338 allows individuals with two or more prior felony convictions to be sentenced to probation rather than receiving a mandatory prison sentence.
- > House Bill 10-1352 introduced significant reforms regarding penalties for certain drug crimes. The felony

Table 3.32. DCJ 2010 winter prison population projections: Actual and projected Colorado inmate populations

|       | Prison total | Male Inmates | Female Inmates |
|-------|--------------|--------------|----------------|
| 1995* | 10,669       | 10,000       | 669            |
| 1996* | 11,019       | 10,808       | 769            |
| 1997* | 12,590       | 11,681       | 909            |
| 1998* | 13,663       | 12,647       | 1,016          |
| 1999* | 14,726       | 13,547       | 1,179          |
| 2000* | 15,999       | 14,733       | 1,266          |
| 2001* | 17,222       | 15,493       | 1,340          |
| 2002* | 18,045       | 16,539       | 1,506          |
| 2003* | 18,846       | 17,226       | 1,620          |
| 2004* | 19,569       | 17,814       | 1,755          |
| 2005* | 20,704       | 18,255       | 1,966          |
| 2006* | 22,012       | 19,792       | 2,220          |
| 2007* | 22,519       | 20,178       | 2,341          |
| 2008* | 22,989       | 20,684       | 2,305          |
| 2009* | 23,186       | 20,896       | 2,290          |
| 2010* | 22,860       | 20,766       | 2,094          |
| 2011  | 22,314       | 20,286       | 2,028          |
| 2012  | 21,425       | 19,534       | 1,891          |
| 2013  | 20,968       | 19,199       | 1,769          |
| 2014  | 20,475       | 18,803       | 1,672          |
| 2015  | 19,881       | 18,318       | 1,563          |
| 2016  | 19,293       | 17,841       | 1,452          |
| 2017  | 18,667       | 17,303       | 1,364          |

**Note:** \*Reflects actual inmate populations.

**Source:** Colorado Department of Corrections Monthly Population and Capacity Reports, available at: <http://www.doc.state.co.us/statistical-reports-and-bulletins>. Harrison, L. (2011). *Colorado Division of Criminal Justice Correctional Population Forecasts*. Denver, CO: Colorado Division of Criminal Justice, Office of Research and Statistics. Available at <http://dcj.state.co.us/ors/ppp.htm>.

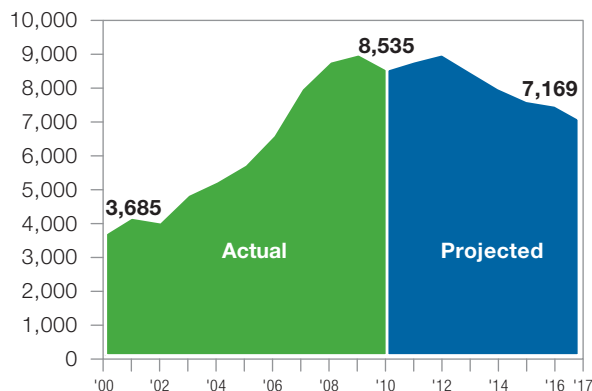
class of several crimes was reduced, and several others were reduced to misdemeanors.

- > House Bill 10-1413 modified the eligibility criteria for the direct filing of juvenile offenders in criminal court.
- > House Bill 10-1373 removed the requirement for certain offenders that a consecutive sentence be imposed for an escape conviction.

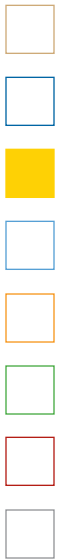
### Parole caseload forecast

- The domestic parole caseload is projected to increase by 5.4 percent by FY 2012, partially due to the passage of house bills 9-1351 and 10-1374 which are expected to increase the movement of inmates out of prison onto parole.
- However, the projected decline in the prison population will eventually lead to a decline in numbers of releases from prison.
- In addition, over a quarter of parole terminations in FY 2010 were terminated early due to the accelerated transition program, under which eligible parolees may have an adjusted parole term and be released from parole after serving 50 percent of their parole sentence.
- These factors contribute to the projected decline in the parole population between FY 2013 and FY 2017, averaging 4.4 percent per year.

Figure 3.26. DCJ 2010 winter prison population projections: Actual and projected Colorado parole caseloads



**Source:** Colorado Department of Corrections Monthly Population and Capacity Reports, available at: <http://www.doc.state.co.us/statistical-reports-and-bulletins>. Harrison, L. (2011). *Colorado Division of Criminal Justice Correctional Population Forecasts*. Denver, CO: Colorado Division of Criminal Justice, Office of Research and Statistics. Available at <http://dcj.state.co.us/ors/ppp.htm>.



## Daily cost of adult placements

### Probation costs

Table 3.33. Daily cost of adult probation in Colorado, FY 2010

| Type of supervision                                  | Cost    | Caseload as of June 30, 2010 |
|------------------------------------------------------|---------|------------------------------|
| Adult regular probation                              | \$3.88  | 41,107                       |
| Adult intensive supervision probation (AISP)         | \$10.56 | 1,408                        |
| Sex offender intensive supervision probation (SOISP) | \$11.94 | 1,301                        |
| Female offender program (FOP)                        | \$9.06  | 287                          |

**Sources:** Cost Data: Division of Probation Services, State Court Administrator's Office, Colorado Judicial Department. Caseload Data: Colorado Judicial Branch. (2010). *Annual statistical report fiscal year 2010*. Denver, CO: Supreme Court of Colorado. Available at <http://www.courts.state.co.us/Administration/Custom.cfm/Unit/annrep>.

- There were 44,103 adult offenders on probation in Colorado as of June 30, 2010.

- Regular probation, intensive supervision (AISP and SOISP), and the Female Offender Program (FOP) include costs for personal service, operating, and treatment funds.
- While on probation, offenders pay millions of dollars in court fees, restitution, fines, supervision fees and related expenses, not to mention state and federal taxes when they are employed.

### Community corrections costs

- The regular community corrections per diem of \$37.74 is the cost that the state pays halfway houses per offender per day. This covers room and board, some hygiene products and other basic daily needs, along with staff and other costs associated with maintaining the facility.
- Regular community corrections offenders pay the facility up to \$17.00 per day as their portion of the cost. Non-residential clients pay \$3.00 per day.

Table 3.34. Daily cost of community corrections in Colorado, FY 2010

| Type of program                                  | Cost             | Enhanced Cost* | Average daily population (ADP)                           |
|--------------------------------------------------|------------------|----------------|----------------------------------------------------------|
| Diversion Residential                            | \$37.74          |                | 1,311                                                    |
| Transition Residential                           | \$37.74          |                | 1,437                                                    |
| Diversion Non-Residential                        | \$5.12 (average) |                | 985                                                      |
| Short Term Diversion**                           | \$37.74          |                | 28                                                       |
| Short Term Transition**                          | \$37.74          |                | 32                                                       |
| Condition of Parole                              | \$37.74          |                | 48                                                       |
| Therapeutic Community (TC) Parole                | \$37.74          |                | 7                                                        |
| Special Populations                              |                  |                |                                                          |
| Sex Offender***                                  | \$37.74          | \$33.02        | 12 (enhancement receiving programs);<br>60 (system wide) |
| Diversion Intensive Residential Treatment (IRT)  | \$37.74          | \$17.78        | 6                                                        |
| Transition Intensive Residential Treatment (IRT) | \$37.74          | \$17.78        | 41                                                       |
| Diversion Mental Health                          | \$37.74          | \$33.02        | 47                                                       |
| Transition Mental Health                         | \$37.74          | \$33.02        | 60                                                       |
| John Eachon Re-entry Program (JERP)              | \$37.74          | \$52.80        | 12                                                       |
| Therapeutic Community (TC) Diversion             | \$37.74          | \$14.34        | 103                                                      |
| Therapeutic Community (TC) Transition            | \$37.74          | \$14.34        | 47                                                       |
| Therapeutic Community (TC) Day Treatment         | \$33.27          |                | 7                                                        |
| Therapeutic Community (TC) Outpatient            | \$13.32          |                | 78                                                       |

**Notes:** \*The enhanced costs are in addition to the per diem costs of \$37.74. \*\*Short-term residential beds are located at Phase I at the Denver County jail, but also at Gateways to the Rockies in the El Paso County jail in Colorado Springs. These beds serve as temporary holding slots for offenders who are waiting for an opening in community corrections or who have been regressed pending disciplinary hearings that may result in either dismissal from the residential community corrections program or a return to it. \*\*\*Only 15-20 percent of the sex offender community corrections population receives an enhanced payment of \$33.02 per day pursuant to the provisions of a federal grant or House Bill 10-1360. The remainder of the sex offenders are considered regular community correction clients and do not receive an enhancement.

**Sources:** Cost Data: Office of Community Corrections, Division of Criminal Justice, Colorado Department of Public Safety. ADP Data: Office of Community Corrections, Division of Criminal Justice, Colorado Department of Public Safety.

- Enhanced per diem rates for special populations (e.g. mentally ill, substance abusers, sex offenders, etc) typically covers the costs of the additional treatment services. These offenders do not pay any portion towards services in a program that receives the enhanced per diem.
- Diversion and transition offenders that are placed in therapeutic communities (e.g. Peer I, The Haven, or Crossroads-Turning Point) are eligible for an enhanced per diem during the first 180 days of their placement. These offenders are not allowed to have a job until they are stable in their treatment environment and have progressed past the first two phases of the intrusive behavior modification and milieu therapy.
- Many community corrections offenders also pay restitution, court costs and supervision fees, child support, fees for services, and state and federal taxes when they are employed.

### Prison costs

- According to DOC staff, there are different factors that go into the daily costs of offenders which are:
  - > Institution costs, such as maintenance, housing, utilities, food service, laundry, medical and mental health services, inmate pay, and case management;
  - > A portion of the management costs;
  - > A portion of Support Services, such as business operations, personnel, offender services, transportation, communication, training, information technology, and facility services;
  - > Inmate Programs, such as education, recreation, labor, drug & alcohol programs, sex offender treatment programs, and volunteer programs;
  - > Parole costs, which include supervision plus a portion of management and support services.
- In FY 2010, the average annual cost per adult inmate decreased by four dollars from \$32,338 in FY 2009 to \$32,334.
- The annual cost for YOS is more than double the annual cost of an adult inmate, at \$70,614.
- The supervision of community-based offenders is substantially less expensive than incarceration. For example, the supervision of four offenders on intensive supervision parole (\$7,822 each) is less expensive than incarcerating one inmate for one year (\$32,334).

Table 3.35. Colorado Department of Corrections daily cost of offender per facility, FY 2010

| Type of Facility                           | Cost Per Day    | Average daily population (ADP) |
|--------------------------------------------|-----------------|--------------------------------|
| <b>Level I</b>                             |                 |                                |
| Boot Camp                                  | \$109.96        | 73                             |
| Colorado Correctional Center               | \$61.82         | 147                            |
| Delta Correctional Center                  | \$70.00         | 467                            |
| Rifle Correctional Center                  | \$69.91         | 187                            |
| Skyline Correctional Center                | \$67.83         | 247                            |
| <b>Total Level I</b>                       | <b>\$71.04</b>  | <b>1,121</b>                   |
| <b>Level II</b>                            |                 |                                |
| Arrowhead Correctional Center              | \$81.71         | 488                            |
| Four Mile Correctional Center              | \$64.20         | 493                            |
| Trinidad Correctional Facility             | \$73.66         | 474                            |
| <b>Total Level II</b>                      | <b>\$73.16</b>  | <b>1,455</b>                   |
| <b>Level III</b>                           |                 |                                |
| Arkansas Valley Correctional Facility      | \$73.92         | 999                            |
| Buena Vista Correctional Facility          | \$72.99         | 1,114                          |
| Colorado Territorial Correctional Facility | \$100.91        | 911                            |
| Fremont Correctional Facility              | \$73.67         | 1,629                          |
| Ft. Lyon Correctional Facility             | \$106.61        | 485                            |
| LaVista Correctional Facility              | \$111.62        | 446                            |
| <b>Total Level III</b>                     | <b>\$83.92</b>  | <b>5,584</b>                   |
| <b>Level IV</b>                            |                 |                                |
| Centennial Correctional Facility           | \$132.61        | 305                            |
| Limon Correctional Facility                | \$75.92         | 938                            |
| <b>Total Level IV</b>                      | <b>\$89.83</b>  | <b>1,243</b>                   |
| <b>Level V</b>                             |                 |                                |
| Colorado State Penitentiary                | \$116.83        | 746                            |
| Denver Reception and Diagnostic Center     | \$173.23        | 476                            |
| Denver Women's Correctional Facility       | \$107.53        | 872                            |
| San Carlos Correctional Facility           | \$194.50        | 246                            |
| Sterling Correctional Facility             | \$73.75         | 2,506                          |
| STU at Y.O.S.                              | \$84.17         | 23                             |
| <b>Total Level V</b>                       | <b>\$102.28</b> | <b>4,869</b>                   |
| <b>Average Cost (Level I-V)</b>            | <b>\$88.59</b>  | <b>14,272</b>                  |

Table 3.35. (cont.) Colorado Department of Corrections daily cost of offender per facility, FY 2010

| Type of Facility                                 | Cost Per Day   | Average daily population (ADP) |
|--------------------------------------------------|----------------|--------------------------------|
| <b>External Capacity</b>                         |                |                                |
| Bent County                                      | \$62.63        | 1,368                          |
| Crowley County                                   | \$54.96        | 1,642                          |
| Kit Carson County                                | \$60.44        | 1,183                          |
| Pre-Release/Parole Revocation Ctr                | \$62.20        | 697                            |
| Brush (High Plains)                              | \$61.59        | 227                            |
| County Jails                                     | \$57.88        | 569                            |
| Community Corrections Programs                   | \$52.00        | 233                            |
| <b>Total External Capacity</b>                   | <b>\$59.10</b> | <b>5,919</b>                   |
| <b>Youthful Offender System</b>                  |                |                                |
| Youthful Offender System Aftercare               | \$189.84       | 27                             |
| Youthful Offender System                         | \$193.46       | 193                            |
| Youthful Offender System Jail Backlog            | \$57.16        | 3                              |
| <b>Parole/Community</b>                          |                |                                |
| Community Corrections                            | \$11.20        | 1,675                          |
| Community Corrections ISP                        | \$31.36        | 847                            |
| Parole                                           | \$11.82        | 7,138                          |
| Parole ISP                                       | \$21.43        | 1,519                          |
| <b>Miscellaneous</b>                             |                |                                |
| FY 10-11 Private Rate:                           | \$52.69        |                                |
| FY 10-11 Local Jail Rate:                        | \$50.44        |                                |
| FY 10-11 Community Corrections Program Avg Rate: | \$43.68        |                                |

**Source:** Colorado Department of Corrections Finance and General Administration. Available at [http://exdoc1.state.co.us/sites/default/files/opa/FY%202009-10%20Cost%20Per%20Day%20Final\\_0.pdf](http://exdoc1.state.co.us/sites/default/files/opa/FY%202009-10%20Cost%20Per%20Day%20Final_0.pdf).

## Expenditures by criminal justice function

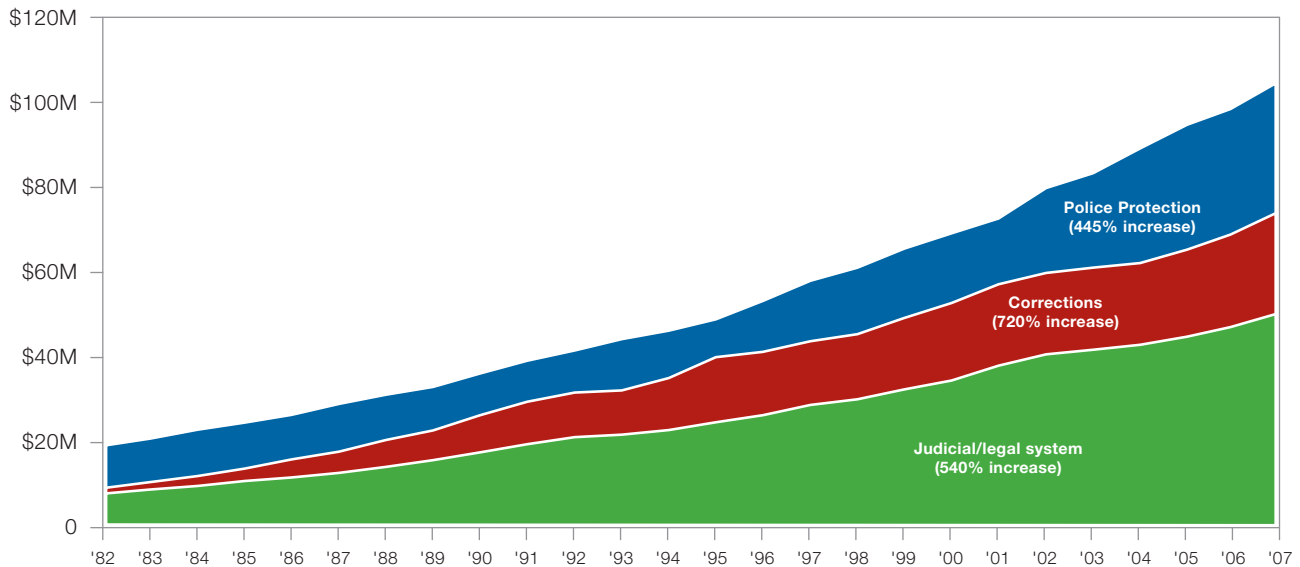
Since 1980, the Bureau of Justice Statistics has collected historical data extracted from the Census Bureau's Annual Government Finance Survey and Annual Survey of Public Employment. This study series includes national and state-by-state estimates of government expenditures and employment for the following justice categories: police protection, judicial functions (including prosecution, courts, and public defense), and corrections.

tection, judicial functions (including prosecution, courts, and public defense), and corrections.

### National

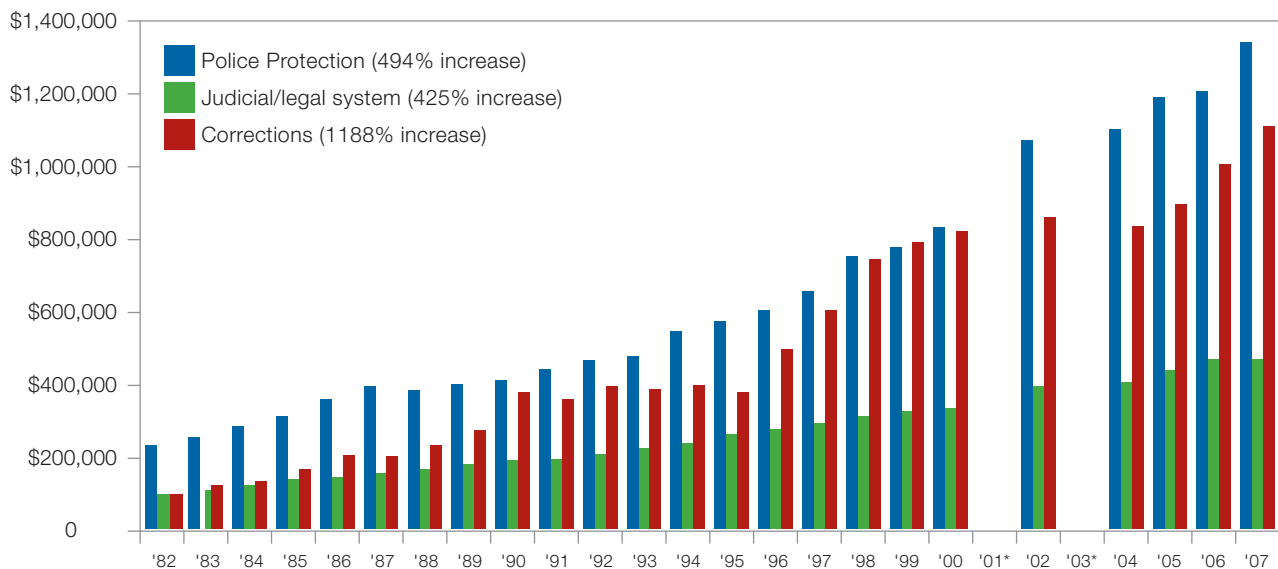
- In FY 2007, federal, state, and local governments spent an estimated \$228 billion for police protection, corrections, and judicial and legal activities, a six percent increase over the previous year.

Figure 3.27. National expenditures by criminal justice function, 1982-2007



**Sources:** Census Bureau's *Annual Government Finance Survey* and *Annual Survey of Public Employment*. Justice Employment and Expenditure Extracts, 2007. Available at <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=2315>.

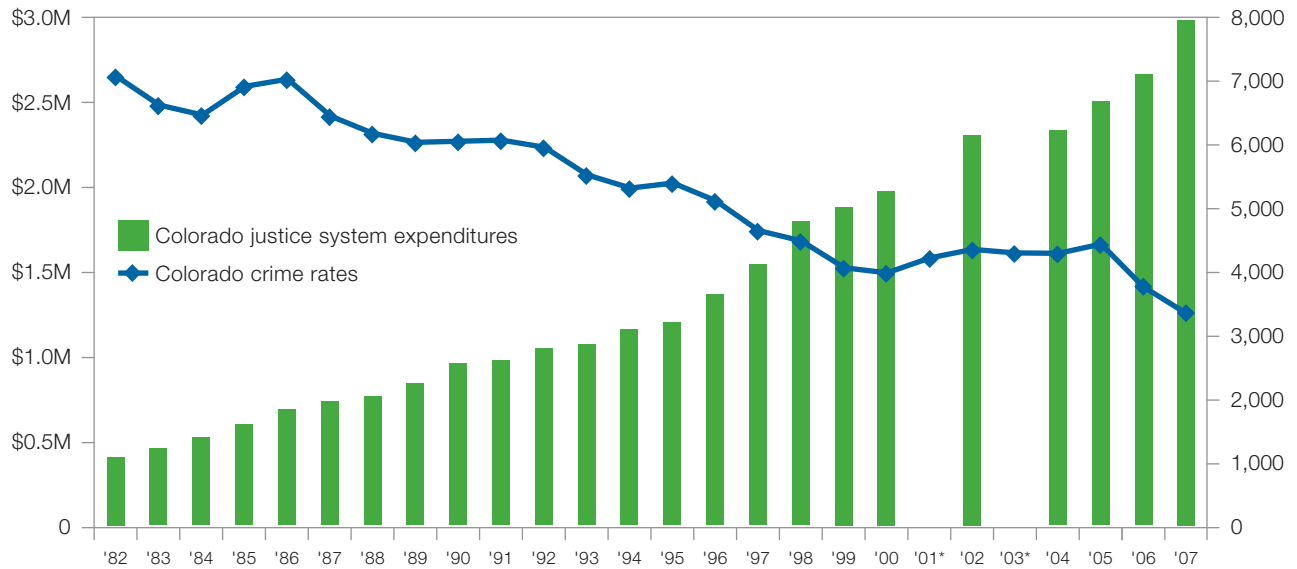
Figure 3.28. Colorado expenditures by criminal justice function, 1982-2007



**Note:** \*Data was unavailable for fiscal years 2001 and 2003.

**Source:** Data was extracted from the Census Bureau's *Annual Government Finance Survey* and *Annual Survey of Public Employment*. Available at <http://bjsdata.ojp.usdoj.gov/index.cfm?ty=tp&tid=5>.

Figure 3.29. Colorado crime rates and justice system expenditures, 1982-2007



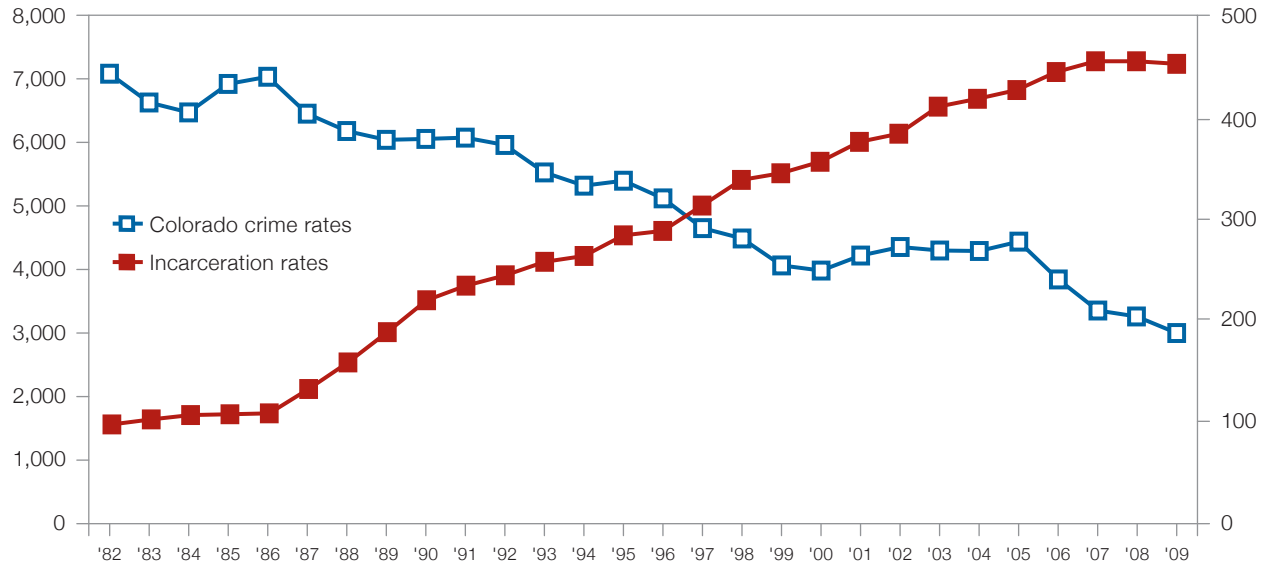
**Notes:** \*Justice system expenditure data was unavailable for fiscal years 2001 and 2003. State offense totals are based on data from all reporting agencies and estimates for unreported areas. Crime rates are the number of reported offenses per 100,000 population. State population estimates are obtained from the Colorado State Demographers Office, Department of Local Affairs.

**Sources:** Justice System Expenditures: Data was extracted from the Census Bureau's *Annual Government Finance Survey and Annual Survey of Public Employment*. Available at <http://bjsdata.ojp.usdoj.gov/dataonline/Search/EandE/index.cfm>. Crime rates: FBI, Uniform Crime Reports. Available at <http://www.ucrdatatool.gov/>.

- The federal government spent more than \$36 billion (16 percent) on direct expenditures for criminal and civil justice in FY 2007. State governments spent over \$74 billion (33 percent) and local governments spent over \$116 billion (51 percent).
  - Expenditures for each of the major criminal justice functions (police, corrections, judicial) have steadily increased each year. Between 1982 and 2007, police protection expenditures increased 445 percent, judicial/legal system expenditures increased 540 percent, and expenditures for the corrections system increased 720 percent.
- ### Colorado
- Colorado state and local governments spent an estimated \$3.0 million for police protection, corrections, and judicial and legal activities in FY 2007. This is a 12 percent increase over the previous year.
  - Between 1982 and 2007, Colorado's expenditures increased dramatically. Police protection expenditures increased 494 percent, judicial/legal system expenditures have increased 425 percent, and corrections system expenditures increased 1188 percent.
  - Overall justice system expenditures in Colorado have grown in opposition to the decrease in the crime rate, as shown in Figure 3.29. As shown in Figure 3.30, the crime rate in Colorado has fallen from 7,080 per 100,000 population in 1982 to 3,004 in 2009, a decrease of 58 percent.

## Colorado

Figure 3.30. Colorado crime rates and incarceration rates, 1982-2009



**Notes:** State offense totals are based on data from all reporting agencies and estimates for unreported areas. Crime rates are the number of reported offenses per 100,000 population. Incarceration rates are computed as the ratio of the average number of offenders incarcerated during a fiscal year per 100,000 Colorado residents. State population estimates are obtained from the Colorado State Demographers Office, Department of Local Affairs.

**Sources:** Crime rates: FBI, Uniform Crime Reports. Available at <http://www.ucrdatatool.gov/>. Incarceration rates: Colorado Department of Corrections. (1983-2010). Fiscal year statistical reports. Available at <http://www.doc.state.co.us/opa-publications/97>.

## Disproportionate minority contact

African Americans make up 13 percent of the general U.S. population, yet they constitute 28 percent of all arrests, 40 percent of all inmates held in prisons and jails, and 42 percent of the population on death row. In contrast, whites make up 67 percent of the total U.S. population and 70 percent of all arrests, yet only 40 percent of all inmates held in state prisons or local jails and 56 percent of the population on death row. Hispanics and Native Americans are also alarmingly overrepresented in the criminal justice system.

This overrepresentation of people of color in the nation's criminal justice system, also referred to as disproportionate minority contact (DMC), is a serious issue in our society. Disproportionate representation most likely stems from a combination of many different circumstances and decisions. It is difficult to ascertain definitive causes; the nature of offenses, differential policing policies and practices, sentencing laws, or racial bias are just some of the possible contributors to disparities in the system.

DMC is problematic not only because persons of color are incarcerated in greater numbers, but because they face harsher penalties for given crimes and that the discrepancies accumulate through the stages of the system including arrests, court processing and sentencing, new admissions and ongoing populations in prison and jails, probation and parole, capital punishment, and recidivism. At each of these stages, persons of color, particularly African Americans, are more likely to receive less favorable results than their white counterparts. The data reveal that, overall, Hispanics are also overrepresented, though to a lesser extent than African Americans, and that Asians and Pacific Islanders as a whole are generally underrepresented.

Statistics for DMC in the Colorado adult criminal justice system resemble those found nationally. See Table 3.36 for a breakdown of race and ethnicity across the decision points of the Colorado justice system.

### National DMC statistics

#### Arrests

- Overall, the rates at which African Americans were arrested were 2.5 times higher than the arrest rates for whites.
- Rates were even higher for certain categories of offenses: the rates at which African Americans were arrested for violent offenses and for drug offenses were each approximately 3.5 times the rate that whites were arrested for those categories of offenses.
- African Americans were arrested at over 6 times the rate for whites for murder, robbery, and gambling and were overrepresented in all specific offenses except alcohol related crimes.
- Native Americans were arrested at 1.5 times the rate for whites, with higher disparity for certain violent and public order offenses.

- Asians and Pacific Islanders were the only racial group to be underrepresented compared to whites.
- The FBI, the primary source of offense and arrest data, does not disaggregate data by ethnicity.

#### Court processing

- African Americans were more likely to be sentenced to prison and less likely to be sentenced to probation than whites.
- The average prison sentence for violent crime was approximately one year longer for African Americans than for whites.
- African Americans were convicted for drug charges at substantially higher rates than were whites.

Continued on next page.

**National DMC statistics** (continued)**New admissions to prison**

- African Americans were admitted to prison at a rate almost six times higher than that for whites.
- Hispanics were admitted at two times the rate for whites.
- Native Americans were admitted at over four times the rate for whites.
- Native American females were admitted at over six times and African American females at four times the rate for white females.
- Rates of new admissions due to probation or parole revocations were much higher for people of color than for whites.

**Incarcerated in prisons and jails**

- Nationwide, African Americans were incarcerated in state prison at six times the rate for whites and in local jails at almost five times the rate for whites.
- Hispanics were incarcerated at over 1.5 times the rate for whites.
- Native Americans were incarcerated at over two times the rate for whites.
- All individual states reported overrepresentation of African Americans among prison and jail inmates.

- The majority of states also reported that Hispanics and Native Americans were disproportionately confined.

**Probation and parole**

- African Americans were on probation at almost three times and on parole at over five times the rate for whites.
- Hispanics and Native Americans were each on parole at two times the rate for whites.

**Death penalty**

- The rate at which African Americans were on death row was almost five times the rate for whites.

**Recidivism**

- African Americans were generally more likely to recidivate than whites or Hispanics.
- When ethnicity was reported, Hispanics were generally less likely to recidivate than non-Hispanics.

**Source:** This section excerpted from Hartney, C., & Vuong, L. (2009). *Created Equal: Racial and Ethnic Disparities in the US Criminal Justice System*. Oakland, CA: National Council on Crime and Delinquency. Available at <http://www.nccd-crc.org/nccd/pdf/CreatedEqualReport2009.pdf>.

Table 3.36. Adult minority over-representation at different points across the Colorado criminal justice system, 2008/2009

|                                                       | N         | American Indian | Asian | Black | Hispanic | White | Other | Unknown | Total |
|-------------------------------------------------------|-----------|-----------------|-------|-------|----------|-------|-------|---------|-------|
| <b>General Population</b>                             |           |                 |       |       |          |       |       |         |       |
| Colorado Adult Population <sup>1</sup>                | 4,497,149 | 1.2%            | 2.7%  | 4.4%  | 89.5%    |       | 2.0%  |         | 100%  |
| <b>Arrests<sup>2</sup></b>                            |           |                 |       |       |          |       |       |         |       |
| Colorado Adult Arrests <sup>3</sup>                   | 158,062   | 0.8%            | 0.9%  | 11.8% | 86.1%    |       |       | 0.6%    | 100%  |
| <b>Filings<sup>4</sup></b>                            |           |                 |       |       |          |       |       |         |       |
| Filings                                               | 39,464    | 0.7%            | 0.7%  | 11.8% | 9.5%     | 75.3% | 1.3%  | 0.6%    | 100%  |
| <b>Findings<sup>5</sup></b>                           |           |                 |       |       |          |       |       |         |       |
| No Conviction                                         | 5,897     | 0.6%            | 0.6%  | 10.9% | 6.8%     | 77.3% | 2.7%  | 1.0%    | 100%  |
| Deferred                                              | 3,190     | 0.4%            | 1.1%  | 9.1%  | 6.9%     | 80.9% | 1.4%  | 0.3%    | 100%  |
| Convicted                                             | 25,307    | 0.7%            | 0.7%  | 12.4% | 10.7%    | 74.5% | 0.8%  | 0.2%    | 100%  |
| <b>Sentence<sup>6</sup></b>                           |           |                 |       |       |          |       |       |         |       |
| Other <sup>7</sup>                                    | 834       | 0.6%            | 1.2%  | 5.2%  | 4.1%     | 85.9% | 1.7%  | 1.4%    | 100%  |
| Probation                                             | 13,469    | 0.6%            | 1.0%  | 11.4% | 9.5%     | 76.4% | 1.0%  | 0.1%    | 100%  |
| ISP                                                   | 909       | 0.6%            | 1.1%  | 17.1% | 9.9%     | 70.7% | 0.7%  | 0.0%    | 100%  |
| Jail                                                  | 3,045     | 1.0%            | 0.6%  | 9.0%  | 11.2%    | 76.7% | 1.1%  | 0.5%    | 100%  |
| Probation and Jail                                    | 3,814     | 0.7%            | 0.6%  | 8.1%  | 11.9%    | 77.9% | 0.6%  | 0.1%    | 100%  |
| Community Corrections                                 | 1,354     | 0.7%            | 0.2%  | 14.0% | 7.3%     | 77.1% | 0.4%  | 0.2%    | 100%  |
| DOC                                                   | 6,774     | 0.6%            | 0.7%  | 17.5% | 12.1%    | 68.0% | 0.9%  | 0.3%    | 100%  |
| Probation Sentence (cases) <sup>8</sup>               | 13,469    | 0.6%            | 1.0%  | 11.4% | 9.5%     | 76.4% | 1.0%  | 0.1%    | 100%  |
| <b>Probation Terminations<sup>9</sup> (people)</b>    |           |                 |       |       |          |       |       |         |       |
| Successful                                            | 23,415    | 0.8%            | 1.1%  | 5.5%  | 12.5%    | 79.5% | 0.7%  |         | 100%  |
| Technical Violation                                   | 2,722     | 1.7%            | 0.5%  | 11.3% | 17.0%    | 68.9% | 0.5%  |         | 100%  |
| New Crime                                             | 1,762     | 0.9%            | 1.1%  | 11.6% | 18.1%    | 68.0% | 0.4%  |         | 100%  |
| Absconder                                             | 4,506     | 2.8%            | 0.7%  | 10.7% | 19.7%    | 65.7% | 0.5%  |         | 100%  |
| DOC Sentence <sup>10</sup> (cases)                    | 6,774     | 0.6%            | 0.7%  | 17.5% | 12.1%    | 68.0% | 0.9%  | 0.3%    | 100%  |
| <b>Department of Corrections (people)</b>             |           |                 |       |       |          |       |       |         |       |
| Admits <sup>11</sup>                                  | 10,861    | 3.2%            | 0.8%  | 19.0% | 33.3%    | 43.7% |       |         | 100%  |
| Stock Population <sup>12</sup>                        | 22,961    | 3.0%            | 0.0%  | 20.0% | 32.0%    | 45.0% |       |         | 100%  |
| YOS Admits <sup>13</sup>                              | 61        | 0.0%            | 0.0%  | 16.0% | 62.0%    | 21.0% |       |         | 100%  |
| COPD Convictions <sup>14</sup>                        | 19,602    | 2.8%            | 80.0% | 21.6% | 34.6%    | 40.1% |       |         | 100%  |
| <b>Parole</b>                                         |           |                 |       |       |          |       |       |         |       |
| Parole Population <sup>15</sup>                       | 11,439    | 2.0%            | 1.0%  | 16.0% | 34.0%    | 47.0% |       |         | 100%  |
| Technical Parole Returns (no new crime) <sup>16</sup> | 3,773     | 3.8%            | 0.7%  | 22.7% | 29.1%    | 43.8% |       |         | 100%  |
| Parole Returns (with a new crime) <sup>17</sup>       | 1,132     | 4.0%            | 0.9%  | 24.7% | 29.2%    | 41.3% |       |         | 100%  |

Notes and sources: See next page



Adults in the criminal justice system

- <sup>1</sup> <http://quickfacts.census.gov/qfd/states/08000.html> (as of July 1, 2009). Note: A separate listing for Hispanic is not included for Census data because the U.S. Census Bureau considers Hispanic ethnicity to mean persons of Spanish/Hispanic/Latino origin including those of Mexican, Cuban, Puerto Rican, Dominican Republic, Spanish, and Central or South American origin living in the US who may be of any race (White, Black, Asian, etc.).
- <sup>2</sup> Uniform Crime Report data provided by the Colorado Bureau of Investigation, Colorado Dept. of Public Safety. Data reflect CY 2008 arrests and are the most recent currently available.
- <sup>3</sup> Hispanic ethnicity is included in the White race in Uniform Crime Report data.
- <sup>4</sup> Total number of filings taken from FY 2009 Judicial Branch Annual Report. Racial/ethnic breakouts extracted from ICON via the Colorado Justice Analytics Support System (CJASS).
- <sup>5</sup> FY 2009 criminal court filing data were extracted from ICON via the Colorado Justice Analytics Support System (CJASS).
- <sup>6</sup> Initial sentences imposed in FY 2009 were extracted from ICON via the Colorado Justice Analytics Support System (CJASS).
- <sup>7</sup> "Other" sentences include things such as fines/fees/surcharges, community service, and treatment. This list is not all inclusive.
- <sup>8</sup> Initial sentences imposed in FY 2009 were extracted from ICON via the Colorado Justice Analytics Support System (CJASS).
- <sup>9</sup> Office of Probation Services, Colorado State Court Administrator's Office. Includes adult terminations from regular, intensive, and private probation.
- <sup>10</sup> Initial sentences imposed in FY 2009 were extracted from ICON via the Colorado Justice Analytics Support System (CJASS).
- <sup>11</sup> Data provided by the Office of Planning and Analysis, Colorado Department of Corrections and analyzed by the Office of Research and Statistics, Colorado Division of Criminal Justice. Admits includes new court commitments as well as "other" admissions such as bond returns, dual commitments, probation returns (with or without a new crime), court ordered discharge return (with or without a new crime), YOS failure (with or without a new crime), and YOS resentence.
- <sup>12</sup> FY 2009 DOC annual report available at <http://www.doc.state.co.us/statistical-reports-and-bulletins>.
- <sup>13</sup> Ibid.
- <sup>14</sup> Code of Penal Discipline (CODP) convictions provided by the Office of Planning and Analysis, Colorado Department of Corrections.
- <sup>15</sup> FY 2009 DOC annual report available at <http://doc.state.co.us/statistical-reports-and-bulletins>.
- <sup>16</sup> Data provided by the Office of Planning and Analysis, Colorado Department of Corrections and analyzed by the Office of Research and Statistics, Colorado Division of Criminal Justice.
- <sup>17</sup> Ibid.

**Note:** Race data available in ICON are often imported from other data systems which may not distinguish between race and ethnicity (particularly "White" and "Hispanic"). As a result, the ability to accurately interpret this data is limited. Information regarding the source of each piece of data is presented in the corresponding footnote. This table was compiled by the Division of Criminal Justice, Office of Research and Statistics.

## Section 4: Juveniles in the juvenile justice system



It is unclear exactly how many juveniles come to the attention of law enforcement. Many times police departments handle juvenile misbehavior informally, particularly with younger children. However, as misbehavior becomes more frequent or more serious, the cases become more likely to be formally processed through the system.

The juvenile system is more complex than the adult system. Social services, family court, foster care systems, and other entities often play a role in juvenile justice system cases. The first few pages of this section describe the “flow” of cases through the juvenile justice system.

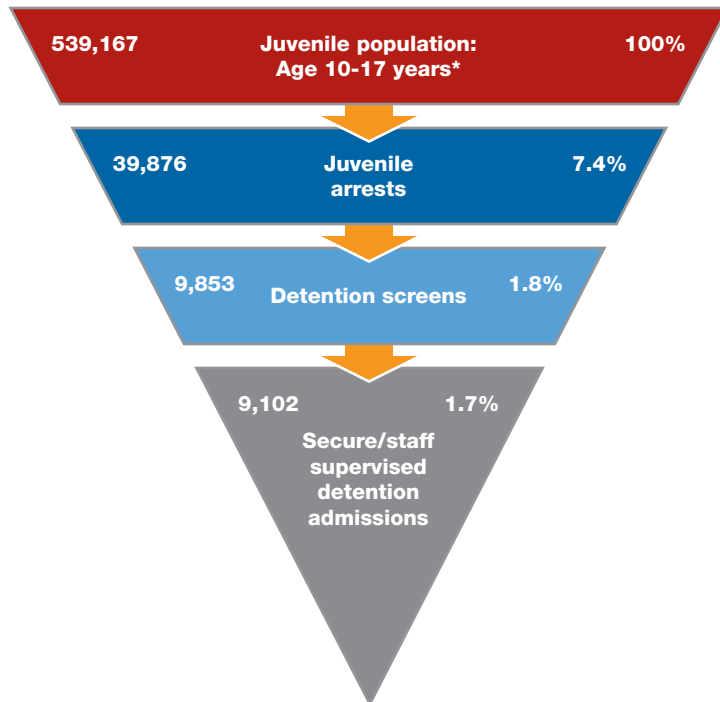
Research has found that youths at risk of delinquent behavior are likely to have few positive role models, have delinquent friends, be unsupervised after school, have problems at school, and have few life (home and school) successes. Forty years of research on conduct disorder has identified many of the risk factors associated with problem behavior, but solutions require a coordinated response from multiple systems (health, social services, and community-based programs). Few resources are devoted to building on the knowledge gained from this research, much of which has been summarized by the Institutes of Medicine.

This section seeks to answer the following:

- What kinds of crimes do youth commit?
- Who are the youth in Colorado that get arrested and have cases filed in court?
- Who gets prosecuted, and who gets convicted? Once convicted, what happens then?
- What are the costs of juvenile placements after sentencing?

## Juvenile justice filtering process

Figure 4.1. Juvenile justice filtering process to detention, FY 2010



**Notes:** \*Population data are reported for calendar years. Population estimates are based upon the 2000 census (<http://dola.state.co.us/cedis.html>).

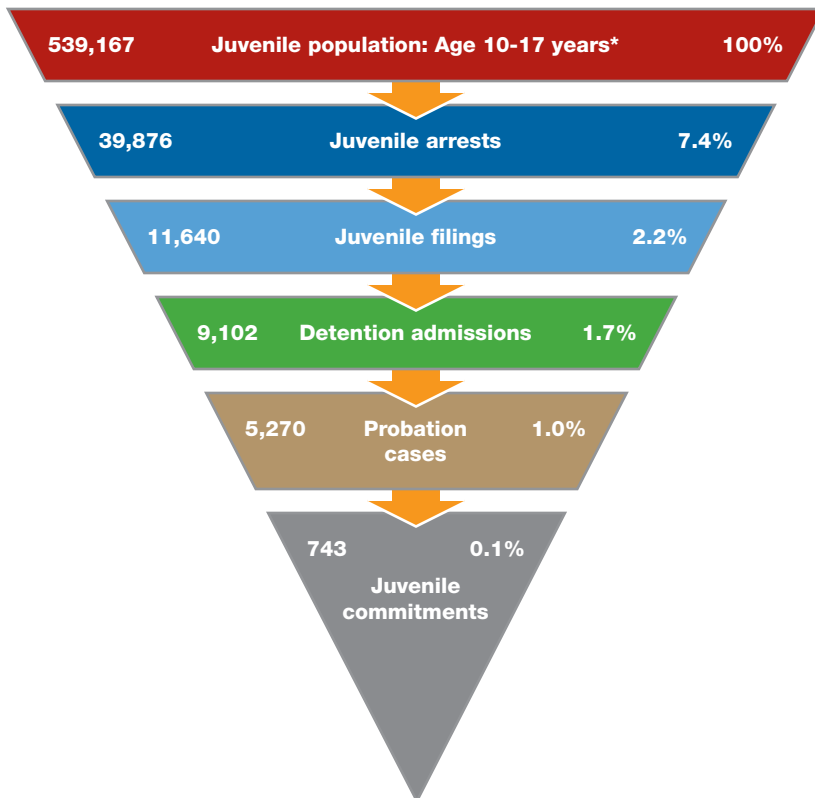
**Sources:**

Population data: Colorado State Department of Local Affairs. Available at <http://dola.state.co.us/cedis.html>.

Arrest data: Colorado Bureau of Investigation. (2010). *Crime in Colorado 2009*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbi.state.co.us/CNC/index.html>.

Detention data: Division of Youth Corrections. (2011). *Fiscal year 2009-2010 management reference manual*. Denver, CO: Colorado Department of Human Services. Available at <http://www.cdhs.state.co.us/dyc/Research.htm>.

Figure 4.2. Juvenile justice filtering process to commitment, FY 2010



**Notes:** \*Population data are reported for calendar years. Population estimates are based upon the 2000 census (<http://dola.state.co.us/cedis.html>).

**Sources:**

Population data: Colorado State Department of Local Affairs available at <http://dola.state.co.us/cedis.html>.

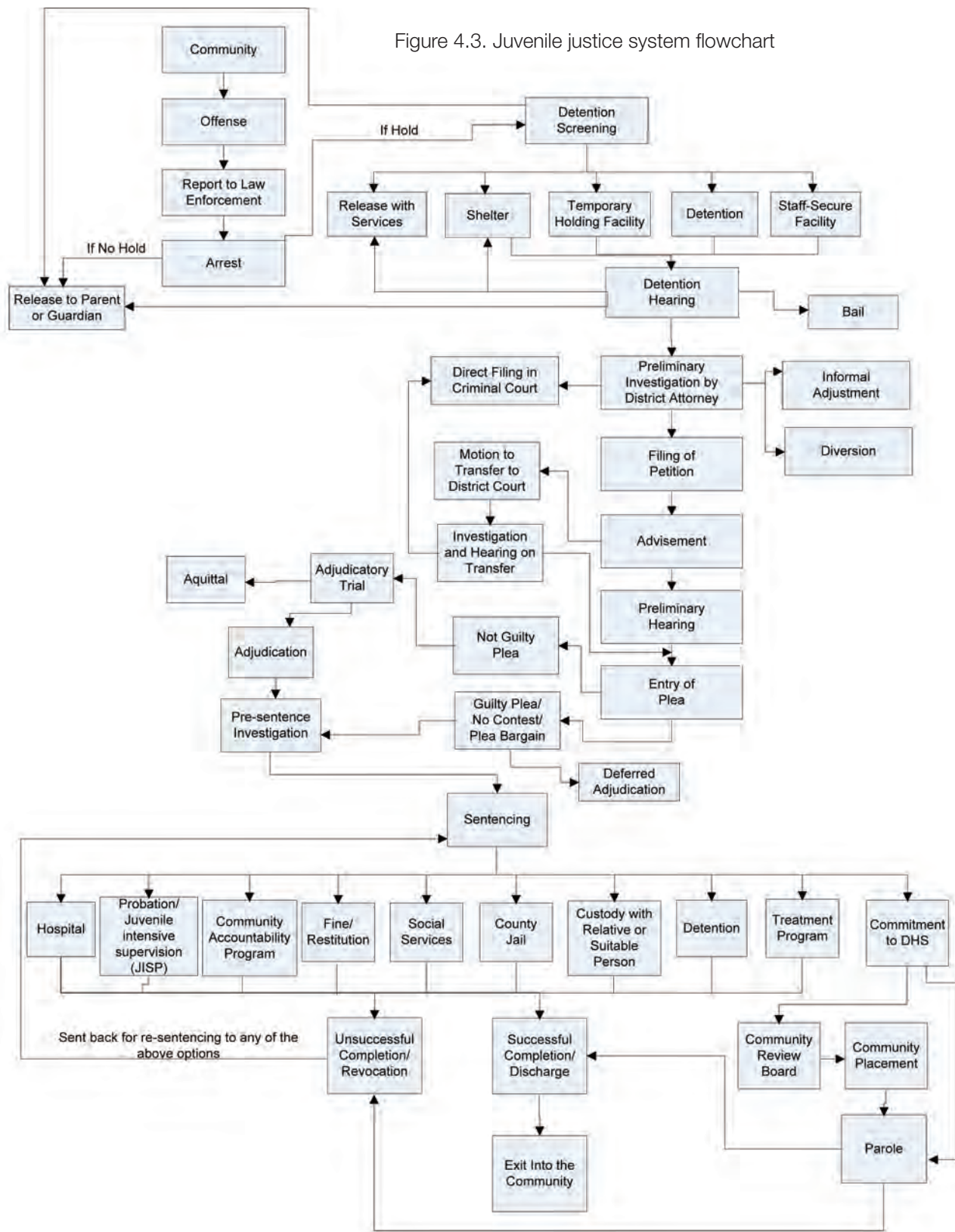
Arrest data: Colorado Bureau of Investigation. (2010). *Crime in Colorado 2009*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbi.state.co.us/CNC/index.html>.

Detention data: Division of Youth Corrections. (2011). *Fiscal year 2009-2010 management reference manual*. Denver, CO: Colorado Department of Human Services. Available at <http://www.cdhs.state.co.us/dyc/Research.htm>.

Probation data: Colorado Judicial Branch. (2010). *Annual statistical report fiscal year 2010*. Denver, CO: Supreme Court of Colorado. Available at <http://www.courts.state.co.us/Administration/Custom.cfm/Unit/annrep>.

Commitment data: Division of Youth Corrections. (2011). *Fiscal year 2009-2010 management reference manual*. Denver, CO: Colorado Department of Human Services. Available at <http://www.cdhs.state.co.us/dyc/Research.htm>.

## Cases processed through Colorado's juvenile justice system



Source: Figure adapted from the March 15, 2005 version by Frank Minkner, Division of Youth Corrections.

The juvenile justice system comprises complex processes involving multiple agencies with different objectives and mandates. The community's response to juveniles with problem behaviors includes the youth's parents and often the school system and family court, and often results in referral to a diversion program.

The juvenile court system was created early in the 20th century based on the philosophy that children are inherently different from adults, and that the role of the state should be protecting and rehabilitating young offenders. In recent years, concerns about juvenile violence--despite actual reductions in violent crime by youth--have led to tougher juvenile crime legislation and a greater reliance on incarceration as a response to delinquency. Nevertheless, the juvenile justice system allows many opportunities to divert youth from further case processing.

### **Arrest**

*C.R.S. 19-2-502 and 19-2-503*

Juveniles may be taken into temporary custody by law enforcement when a lawful warrant has been executed or without a court order if reasonable grounds exist to believe that a juvenile has committed a delinquent act.

### **Detention screening**

*C.R.S. 19-1-103(94.5), 19-2-212, 19-2-507(2), and Colorado Rules Juvenile Procedure #3.7*

Detention screening provides the initial information to determine whether a juvenile should be held in detention. The screener uses a statewide detention screening and assessment tool, the Juvenile Detention Screening and Assessment Guide. The guide uses a decision tree format that is based on the identification of factors that contribute to a juvenile's risk of out-of-home placement and on criteria that matches youth needs with the most appropriate placements. Colorado uses a continuum of detention placements: release to a parent, guardian, or other legal custodian with services; electronic monitoring or tracking; or admission to a detention, temporary holding or shelter facility pending notification to the court and a detention hearing.

### **Release to parents or guardian**

*C.R.S. 19-2-507(3)*

The juvenile may be released to the care of the juvenile's parents or responsible adult. The release of the juvenile may be made without restriction or upon a written promise that the juvenile will appear in court. Electronic monitoring or trackers may also be used to maintain supervision.

### **Release with services**

*C.R.S. 19-2-302*

Juveniles who are released with preadjudication services may have conditions attached to their release like: periodic telephone communication and visits with the preadjudication service agency; home visits; drug testing; visits to the juvenile's school; undergoing treatment or counseling; electronic monitoring; participation in work release programs; or day reporting.

### **Shelter**

*C.R.S. 19-2-508(1)*

A shelter provides temporary care of a juvenile in a physically unrestricted facility. Juveniles placed there are those whom the screener or court has determined must be removed from or are unable to return to their homes, but do not require physical restriction.

### **Temporary holding facility**

*C.R.S. 19-2-507(1)*

This type of facility provides a holding area for juveniles from the time the juvenile is taken into custody until a detention hearing is held. This option is used if it has been determined that the juvenile requires a staff-secure or physically-secure setting.

### **Detention**

*C.R.S. 19-2-507*

Detention is the temporary care of a juvenile in a physically restrictive facility. A juvenile may be held if the intake screener determines that the juvenile's immediate welfare or the protection of the community requires physical restriction. A juvenile may also be admitted to a detention facility if a law enforcement agency requests that the juvenile be detained because the alleged act would constitute a serious or violent felony if committed by an adult.

### **Staff-secure facility**

*C.R.S. 19-1-103(101.5)*

A staff-secure facility is a group facility or home at which the juvenile is continuously under supervision and all services including education and treatment are provided. The doors to the outside in this type of facility may or may not be locked.

### **Detention hearing**

*C.R.S. 19-2-508*

If an intake screener has assessed that a juvenile is to be detained after the arrest, the court must hold a detention hearing within 48 hours, excluding weekends or holidays,

from the time the juvenile is taken into temporary custody. The hearing is held to determine whether the juvenile should be released or detained further. At the close of the detention hearing, one of the following orders would be issued: 1) Release to the custody of a parent or guardian without the posting of bail; 2) Placement in a shelter facility; 3) Release upon posting bail; 4) Detention; 5) Release to a preadjudication service program.

### **Bail**

*C.R.S. 19-2-509*

Security, in the form of money or property, deposited with the court to insure the appearance of the juvenile at a specific future time and place.

### **Preliminary investigation by the District Attorney (DA)**

*C.R.S. 19-2-510*

The intake unit of the district attorney's office reviews law enforcement or probation officer referrals and decides whether to divert the case from formal filing, file charges in juvenile court, request an informal adjustment, or direct file to adult district court.

### **Informal adjustment**

*C.R.S. 19-2-703*

A type of disposition used primarily for the first time offender, which does not involve a court hearing. If the juvenile admits the facts of the allegation (with parental consent), the child may be supervised for a period without being adjudicated.

### **Diversion**

*C.R.S. 19-2-303 and 19-2-704*

An alternative to a petition being filed, the district attorney may agree to allow a juvenile to participate in a diversion program. If the juvenile successfully meets the contract conditions and does not re-offend during the contract period, charges are dropped.

### **Direct filing in criminal court**

*C.R.S. 19-2-517*

Juveniles may be direct filed upon in adult district court if they are 14 years old and older and are alleged to have committed a class 1 or 2 felony or committed a crime of violence; used, possessed, or threatened to use a deadly weapon; committed vehicular assault or homicide; are considered to be a "habitual juvenile offender;" or are 16 years old or older and have been adjudicated a delinquent during the previous two years.

### **Filing a petition**

*C.R.S. 19-2-508(3)(V), 19-2-512 through 19-2-513*

When a court orders further detention of the juvenile or placement in a preadjudication service program after a detention hearing, the district attorney shall file a petition alleging the juvenile to be a delinquent within 72 hours after the detention hearing, excluding weekends and holidays.

### **Advisement**

*C.R.S. 19-2-706*

The advisement hearing is the first hearing after a petition has been filed. At this time, the court advises the juvenile and the responsible person of their constitutional and legal rights. The juvenile and his/her legal guardian may request counsel or the court may appoint counsel.

### **Transfer to district court**

*Motion to transfer to district court: C.R.S. 19-2-518*

A transfer occurs when the juvenile court enters an order for the juvenile to be held for criminal proceedings in adult district court. This may occur if the juvenile is 12 or 13 years old at the time of the offense for which they committed a delinquent act that is a class 1 or 2 felony or a crime of violence (per C.R.S. 18-1.3-406) or 14 years old or older and committed a felony and it was determined after an investigation and hearing that it would be in the best interest of the juvenile or the public to transfer jurisdiction from juvenile to district court.

*Investigation and hearing on transfer: C.R.S. 19-2-518*

An investigation and hearing is conducted to determine if the juvenile committed a delinquent act that qualifies for a transfer or if it would be in the best interest of the juvenile or community to transfer jurisdiction from the juvenile court to district court.

*Transfer to district court: C.R.S. 19-2-518(7)*

If the juvenile court finds that its jurisdiction should be waived, they will enter an order to transfer the juvenile to adult district court.

### **Preliminary hearing**

*C.R.S. 19-2-705*

The preliminary hearing is conducted to determine whether probable cause exists to believe that the delinquent act declared in the petition was committed. If the court determines that probable cause exists, the finding is recorded and an adjudicatory trial is scheduled. If probable cause does not exist, a delinquent petition is dismissed and the juvenile is discharged.

**Entry of plea***C.R.S. 19-2-708*

The defendant will enter one of the following pleas: a) guilty or b) not guilty.

*Plea of not guilty>>>Proceed to adjudicatory trial*

*Plea of guilty>>>Proceed to sentencing*

**Deferred adjudication***C.R.S. 19-2-709*

The juvenile has agreed with the district attorney to enter a plea of guilty, which waives the right to a speedy trial and sentencing. Upon accepting the guilty plea, the court may continue the case for a period not to exceed one year from the date of entry of the plea. The juvenile may be placed under the supervision of probation with additional conditions of supervision imposed. If the juvenile complies with all the conditions of supervision, their plea will be withdrawn and the case dismissed with prejudice. If the juvenile fails to comply with the terms of supervision, the court shall enter an order of adjudication and proceed to sentencing.

**Adjudicatory trial***C.R.S. 19-2-801 through 19-2-805*

At the adjudicatory trial the court considers whether the allegations of the petition are supported by evidence beyond a reasonable doubt. Jury trials are granted by special request and only in cases where commitment to the Department of Human Services (DHS) is a sentencing option. If the juvenile is found not guilty, the court dismisses the petition and discharges the juvenile from any previous detention or restrictions. If the juvenile is found guilty, the court then proceeds to sentencing or directs that a separate sentencing hearing be scheduled within 45 days of the adjudicatory trial.

**Pre-sentence investigation***C.R.S. 19-2-905*

Pre-sentence investigations are required only for youth with felony adjudications, but can be requested with other adjudications. Pre-sentence reports may include details of the offense; victim statements; amount of restitution requested; criminal, education, employment, and substance abuse history; description of family and peer relationships; programs available in the juvenile's judicial district; review of placement and commitment criteria; and disposition and treatment recommendations.

**Sentencing***C.R.S. 19-2-907*

The court may impose any or a combination of the following sentences as appropriate: commitment to DHS; county jail; detention; placement of custody with a relative or suitable person; probation; juvenile intensive supervision (JISP); the community accountability program; placement with social services or in a hospital; fines; restitution; or a treatment program. Any sentence may also include conditions for the parent/guardian, pursuant to C.R.S. 19-2-919. If the sentence includes school attendance, a notice to the school is required.

**Placement in a hospital***C.R.S. 19-2-916*

The court may order that the juvenile be examined or treated by a physician, surgeon, psychiatrist, or psychologist or that he/she receive other special care and may place the juvenile in a hospital. A juvenile will not be placed in a mental health facility until the juvenile has received a mental health hospital placement prescreening resulting in a recommendation that the juvenile be placed in a facility for an evaluation. No order for a seventy-two hour treatment and evaluation shall be entered unless a hearing is held and evidence indicates that the prescreening report is inadequate, incomplete, or incorrect and that competent professional evidence is presented by a mental health professional that indicates that mental illness is present in the juvenile. Placement in any mental health facility shall continue for such time as ordered by the court or until the professional person in charge of the juvenile's treatment concludes that the treatment or placement is no longer appropriate.

**Probation***C.R.S. 19-2-913, 19-2-925, and 19-2-926*

When a juvenile is sentenced to probation, the court may impose additional conditions like: placing the juvenile in the intensive supervision program (JISP); participation in a supervised work program; or a sentence to the county jail for those juveniles eighteen years of age or older at the time of sentencing. The jail sentence should not exceed ninety days, except a sentence may be up to one hundred eighty days if the court orders the juvenile released for school attendance, job training, or employment.

**Juvenile intensive supervision probation (JISP)***C.R.S. 19-2-306 and 19-2-307*

A juvenile intensive supervision program is for juveniles who are sentenced to probation and present a high risk of future placement within juvenile correctional facilities according to

assessment criteria. JISP will include increased supervision, community service, restitution, structured group training, use of electronic or global position monitoring, substance abuse testing, and treatment programs.

### **Community accountability program**

*C.R.S. 19-2-914*

The court may sentence the juvenile to participate in the community accountability program. This sentence shall be a condition of probation and shall be for higher risk juveniles who would have otherwise been sentenced to detention or out-of-home placement or committed to the Department of Human Services. Also, this sentence shall be conditioned on the availability of space in the community accountability program and on a determination by the Division of Youth Corrections that the juvenile's participation in the program is appropriate. In the event that the Division of Youth Corrections determines the program is at maximum capacity or that a juvenile's participation is not appropriate, the juvenile shall be ordered to return to the sentencing court for another sentencing hearing.

### **Fines/Restitution**

*Fines: C.R.S. 19-2-917*

The court may impose a fine of not more than three hundred dollars.

*Restitution: C.R.S. 19-2-918*

If the court finds that a juvenile who receives a deferred adjudication or who is adjudicated a juvenile delinquent has damaged or lost the personal property of a victim, or has caused personal injury to the victim as a result of the delinquent act, the court will require the juvenile to make restitution.

### **Placement with social services**

*C.R.S. 19-2-915*

The court may place legal custody of the juvenile in the county Department of Social Services.

### **County jail**

*C.R.S. 19-2-910*

The court may sentence a person who is eighteen years of age or older on the date of a sentencing hearing to the county jail for a period not to exceed six months or to a community correctional facility or program for a period not to exceed one year, which may be served consecutively or in intervals, if he or she is adjudicated a juvenile delinquent for an act committed prior to his or her eighteenth birthday.

### **Placement of custody with a relative or suitable person**

*C.R.S. 19-2-912*

The court may place the juvenile in the legal custody of a relative or other suitable person. The court may impose additional conditions like placing the juvenile on probation or under other protective supervision.

### **Detention**

*C.R.S. 19-2-911*

The court may sentence any juvenile adjudicated for an offense that would constitute a class 3, class 4, class 5, or class 6 felony or a misdemeanor if committed by an adult to detention for a period not to exceed forty-five days.

### **Treatment program**

*C.R.S. 19-2-918.5*

Any juvenile who has been adjudicated for the commission of cruelty to animals, in which the underlining factual basis included knowing or intentional torture or torment of an animal which needlessly injures, mutilates, or kills an animal, may be ordered to complete an anger management treatment program or any other treatment program deemed appropriate by the court.

### **Commitment to the Colorado Department of Human Services**

*C.R.S. 19-2-909*

The court may commit a juvenile to the Department of Human Services for a determinate period of up to two years if the juvenile is adjudicated for an offense that would constitute a felony or a misdemeanor if committed by an adult; except if the juvenile is younger than twelve years of age and is not adjudicated an aggravated juvenile offender, the court may commit the juvenile to the Department of Human Services only if the juvenile is adjudicated for an offense that would constitute a class 1, class 2, or class 3 felony if committed by an adult.

### **Community referral and review**

*C.R.S. 19-2-210*

Prior to placement of a juvenile in a residential community placement, the juvenile community review board shall review the case file of the juvenile. A decision regarding residential community placement shall take into consideration the results of the objective risk assessment by the Department of Human Services, the needs of the juvenile, and the criteria established by the juvenile community review board based on the interests of the community.

## Community placement

### Parole

*C.R.S. 19-2-909(1)(b), 19-2-1002, et seq.*

The Juvenile Parole Board has the authority to grant, deny, defer, suspend, or revoke the parole of a juvenile. The Board is made up of nine part-time members who are appointed by the Governor and confirmed by the Senate. Members are chosen from the Department of Human Services, the Department of Public Safety, the Department of Education, and the Department of Labor and Employment. One member is a local elected official and four members are citizens. Juveniles committed to the Department of Human Services have a mandatory parole period of six months; however parole can be extended up to 15 months if a juvenile was adjudicated for an offense against a person, robbery, incest, or child abuse that would have constituted a felony if committed by an adult, or if special circumstances have been found to exist.

### Parole revocation

*C.R.S. 19-2-1004*

A juvenile parolee who violates the conditions of parole may have their parole revoked. Such violations include a warrant issued for the parolee's arrest, the commission of a new offense, belief that the parolee has left the state, refusal to appear before the board to answer charges of violations, or testing positive for an illegal or unauthorized substance. After the arrest or summons of the parolee, the parole officer can request a preliminary hearing. A hearing relating to the revocation will then be held. If the hearing panel determines that a violation of a condition(s) of parole has been commit-

ted, they will hear further evidence related to the disposition of the parolee. At the conclusion of the hearing, the hearing panel will advise the parties of its findings and recommendations and of their right to request a review before the board. If a review before the board is not requested or the right to review is waived, the findings and recommendations of the hearing panel, if unanimous, shall become the decision of the Juvenile Parole Board.

### Unsuccessful completion

If a juvenile does not complete the sentence successfully, the youth will be sent back to the court for re-sentencing.

### Parole discharge

*C.R.S. 19-2-1002(9)*

The Board may discharge a juvenile from parole after the juvenile has served the mandatory parole period of six months but prior to the expiration of his or her period of parole supervision when it appears to the board that there is a reasonable probability that the juvenile will remain at liberty without violating the law or when such juvenile is under the probation supervision of the district court, in the custody of the Department of Corrections, or otherwise not available to receive parole supervision.

### Successful completion

The juvenile successfully completes their sentence and is free to integrate back into the community.

**Sources:** Adapted from the March 15, 2005 version by Frank Minkner, Division of Youth Corrections. Colorado Revised Statutes, 2008.

## Juvenile arrests

### National figures

An estimated 2.11 million juveniles (youth under the age of 18) were arrested in the United States in 2008 (see Table 4.1). This was three percent fewer arrests than the previous year,

and 16 percent fewer than in 1999. Juveniles accounted for 16 percent of all violent crime arrests and 26 percent of all property crime arrests during 2008. There are four crimes that make up the violent crime index: murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault. The property crime index includes burglary, larceny-theft, motor vehicle theft, and arson.

Table 4.1. Estimated number of juvenile arrests nationwide by most serious offense, 2008

| Most serious offense                                 | Number of juvenile arrests | Percent of total juvenile arrests |              | Percent change |              |              |
|------------------------------------------------------|----------------------------|-----------------------------------|--------------|----------------|--------------|--------------|
|                                                      |                            | Female                            | Under age 15 | 1999-2008      | 2004-2008    | 2007-2008    |
| <b>Total</b>                                         | <b>2,111,200</b>           | <b>30.0%</b>                      | <b>27.0%</b> | <b>-16.0%</b>  | <b>-4.0%</b> | <b>-3.0%</b> |
| <b>Violent crime index</b>                           | <b>96,000</b>              | <b>17.0%</b>                      | <b>27.0%</b> | <b>-9.0%</b>   | <b>5.0%</b>  | <b>-2.0%</b> |
| Murder and nonnegligent manslaughter                 | 1,280                      | 7.0%                              | 8.0%         | -9.0%          | 19.0%        | -5.0%        |
| Forcible rape                                        | 3,340                      | 2.0%                              | 34.0%        | -27.0%         | -21.0%       | -2.0%        |
| Robbery                                              | 35,350                     | 9.0%                              | 20.0%        | 25.0%          | 46.0%        | 2.0%         |
| Aggravated assault                                   | 56,000                     | 24.0%                             | 31.0%        | -21.0%         | -9.0%        | -4.0%        |
| <b>Property crime index</b>                          | <b>439,600</b>             | <b>36.0%</b>                      | <b>29.0%</b> | <b>-20.0%</b>  | <b>-2.0%</b> | <b>5.0%</b>  |
| Burglary                                             | 84,100                     | 12.0%                             | 29.0%        | -14.0%         | 4.0%         | 3.0%         |
| Larceny-theft                                        | 324,100                    | 44.0%                             | 29.0%        | -14.0%         | 0.0%         | 8.0%         |
| Motor vehicle theft                                  | 24,900                     | 16.0%                             | 20.0%        | -50.0%         | -33.0%       | -17.0%       |
| Arson                                                | 6,600                      | 12.0%                             | 56.0%        | -24.0%         | -16.0%       | -8.0%        |
| <b>Nonindex</b>                                      |                            |                                   |              |                |              |              |
| Other assaults                                       | 231,700                    | 34.0%                             | 37.0%        | 0.0%           | -5.0%        | -3.0%        |
| Forgery and counterfeiting                           | 2,600                      | 33.0%                             | 12.0%        | -64.0%         | -48.0%       | -15.0%       |
| Fraud                                                | 7,600                      | 35.0%                             | 16.0%        | -18.0%         | 0.0%         | 3.0%         |
| Embezzlement                                         | 1,300                      | 43.0%                             | 3.0%         | -31.0%         | 19.0%        | -19.0%       |
| Stolen property                                      | 20,900                     | 19.0%                             | 23.0%        | -23.0%         | -10.0%       | -6.0%        |
| Vandalism                                            | 107,300                    | 13.0%                             | 40.0%        | -8.0%          | 3.0%         | -4.0%        |
| Weapons                                              | 40,000                     | 10.0%                             | 31.0%        | -2.0%          | -4.0%        | -7.0%        |
| Prostitution and commercialized vice                 | 1,500                      | 76.0%                             | 11.0%        | 20.0%          | -14.0%       | -1.0%        |
| Sex offenses (except forcible rape and prostitution) | 14,500                     | 10.0%                             | 47.0%        | -18.0%         | -22.0%       | -5.0%        |
| Drug abuse violations                                | 180,100                    | 15.0%                             | 15.0%        | -7.0%          | -5.0%        | -7.0%        |
| Gambling                                             | 1,700                      | 2.0%                              | 14.0%        | -51.0%         | -12.0%       | -19.0%       |
| Offenses against the family and children             | 5,900                      | 36.0%                             | 28.0%        | -38.0%         | -14.0%       | -2.0%        |
| Driving under the influence                          | 16,000                     | 24.0%                             | 2.0%         | -27.0%         | -19.0%       | -14.0%       |
| Liquor laws                                          | 131,800                    | 38.0%                             | 9.0%         | -22.0%         | 1.0%         | -7.0%        |
| Drunkenness                                          | 15,400                     | 24.0%                             | 11.0%        | -24.0%         | -3.0%        | -8.0%        |
| Disorderly conduct                                   | 187,600                    | 33.0%                             | 36.0%        | 2.0%           | -7.0%        | -5.0%        |
| Vagrancy                                             | 4,000                      | 29.0%                             | 29.0%        | -29.0%         | -3.0%        | 6.0%         |
| All other offenses (except traffic)                  | 363,000                    | 26.0%                             | 23.0%        | -19.0%         | -3.0%        | -3.0%        |
| Suspicion (not included in totals)                   | 300                        | 22.0%                             | 24.0%        | -86.0%         | -74.0%       | -29.0%       |
| Curfew and loitering                                 | 133,100                    | 31.0%                             | 26.0%        | -27.0%         | 5.0%         | -7.0%        |
| Runaways                                             | 109,200                    | 56.0%                             | 32.0%        | -33.0%         | -12.0%       | -5.0%        |

**Notes:** Detail may not add to totals because of rounding.

**Sources:** Puzzanchera, C. (2009). *Juvenile arrests 2008*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Federal Bureau of Investigation. (2009). *Crime in the United States 2008*. Washington, D.C.: U.S. Department of Justice.

- Violent crimes declined between 2007 and 2008, while arrests for property crimes increased for the second consecutive year.
- Juvenile arrests for murder declined five percent in 2008.
- Over 300,000 juveniles were arrested for larceny-theft in 2008. The number of such arrests has fallen by 17 percent over the past 10 years.
- In 2008, females accounted for 17 percent of the arrests for violent index crimes and 36 percent for property index crimes.
- Juveniles under the age of 15 accounted for almost one-third (29 percent) of all juvenile arrests for property index crimes in 2008.

Table 4.2 Juvenile vs. adult arrests for most serious offense, 1999-2008

| Most serious offense        | Percent change in arrests 1999-2008 |              |
|-----------------------------|-------------------------------------|--------------|
|                             | Juvenile                            | Adult        |
| Simple assault              | 0.0%                                | 4.0%         |
| Weapons law violations      | -2.0%                               | 8.0%         |
| Drug abuse violations       | -7.0%                               | 15.0%        |
| <b>Violent index crime</b>  | <b>-9.0%</b>                        | <b>-4.0%</b> |
| Murder                      | -9.0%                               | -5.0%        |
| Forcible rape               | -27.0%                              | -18.0%       |
| Robbery                     | 25.0%                               | 19.0%        |
| Aggravated assault          | -21.0%                              | -8.0%        |
| <b>Property index crime</b> | <b>-20.0%</b>                       | <b>12.0%</b> |
| Burglary                    | -14.0%                              | 19.0%        |
| Larceny-theft               | -17.0%                              | 13.0%        |
| Motor vehicle theft         | -50.0%                              | -13.0%       |

Sources: Puzzanchera, C. (2009). *Juvenile arrests 2008*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Federal Bureau of Investigation. (2009). *Crime in the United States 2008*. Washington, D.C.: U.S. Department of Justice.

- In the past ten years, the number of arrests in each of the most serious offense categories declined more for juveniles than for adults with the exception of robbery. In this case, juveniles arrested for robbery increased by 25 percent.

Table 4.3. Male vs. female arrests nationwide for most serious offense, 1999-2008

| Most serious offense  | Percent change in arrests 1999-2008 |        |
|-----------------------|-------------------------------------|--------|
|                       | Female                              | Male   |
| Violent crime index   | -10.0%                              | -8.0%  |
| Robbery               | 38.0%                               | 24.0%  |
| Aggravated assault    | -17.0%                              | -22.0% |
| Simple assault        | 12.0%                               | -6.0%  |
| Property crime index  | 1.0%                                | -28.0% |
| Burglary              | -3.0%                               | -16.0% |
| Larceny-theft         | 4.0%                                | -29.0% |
| Motor vehicle theft   | -52.0%                              | -50.0% |
| Vandalism             | 3.0%                                | -9.0%  |
| Weapons               | -1.0%                               | -3.0%  |
| Drug abuse violations | -2.0%                               | -8.0%  |
| Liquor law violations | -6.0%                               | -29.0% |
| DUI                   | 7.0%                                | -34.0% |
| Disorderly conduct    | 18.0%                               | -5.0%  |

Sources: Puzzanchera, C. (2009). *Juvenile arrests 2008*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Federal Bureau of Investigation. (2009). *Crime in the United States 2008*. Washington, D.C.: U.S. Department of Justice.

- In 2008, law enforcement agencies arrested 627,800 females under the age of 18, accounting for 30 percent of juvenile arrests.
- Between 1998 and 2008, female arrests decreased less than male arrests in most of the most serious offense categories (e.g. aggravated assault and burglary) but there were a few categories (e.g. simple assault, larceny-theft, and DUI) where female arrests increased while male arrests decreased.

Table 4.4. Juvenile arrests in the U.S. by ethnicity, 2008

| Ethnicity              | Violent crimes | Property crimes |
|------------------------|----------------|-----------------|
| White                  | 47.0%          | 65.0%           |
| Black                  | 52.0%          | 33.0%           |
| Asian/Pacific Islander | 1.0%           | 2.0%            |
| American Indian        | 1.0%           | 1.0%            |
| <b>Total</b>           | <b>100%</b>    | <b>100%</b>     |

Note: Detail may not add to totals because of rounding.

Sources: Puzzanchera, C. (2009). *Juvenile arrests 2008*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Federal Bureau of Investigation. (2008). *Crime in the United States 2008*. Washington, D.C.: U.S. Department of Justice.

Table 4.5. Estimated juvenile arrest rates by state, 2008

| State                | Reporting coverage | Arrest of juveniles under 18 per 100,000 juveniles aged 10-17 |                     |                   |                         |
|----------------------|--------------------|---------------------------------------------------------------|---------------------|-------------------|-------------------------|
|                      |                    | Violent crime rate                                            | Property crime rate | Drug offense rate | Weapons possession rate |
| <b>USA</b>           | <b>82.0%</b>       | <b>306</b>                                                    | <b>1,398</b>        | <b>560</b>        | <b>121</b>              |
| Alabama              | 81.0%              | 176                                                           | 924                 | 242               | 47                      |
| Alaska               | 97.0%              | 272                                                           | 1,655               | 340               | 42                      |
| Arizona              | 99.0%              | 228                                                           | 1,558               | 762               | 76                      |
| Arkansas             | 84.0%              | 180                                                           | 1,460               | 365               | 62                      |
| California           | 99.0%              | 414                                                           | 1,153               | 523               | 196                     |
| <b>Colorado</b>      | <b>88.0%</b>       | <b>199</b>                                                    | <b>1,853</b>        | <b>763</b>        | <b>123</b>              |
| Connecticut          | 92.0%              | 337                                                           | 1,163               | 456               | 90                      |
| Delaware             | 100.0%             | 630                                                           | 1,778               | 774               | 169                     |
| District of Columbia | 0.0%               | n/a                                                           | n/a                 | n/a               | n/a                     |
| Florida              | 100.0%             | 471                                                           | 2,062               | 731               | 104                     |
| Georgia              | 62.0%              | 278                                                           | 1,343               | 465               | 198                     |
| Hawaii               | 89.0%              | 264                                                           | 1,405               | 375               | 22                      |
| Idaho                | 94.0%              | 136                                                           | 1,764               | 468               | 101                     |
| Illinois             | 23.0%              | 1,066                                                         | 1,850               | 1,843             | 334                     |
| Indiana              | 73.0%              | 290                                                           | 1,734               | 460               | 57                      |
| Iowa                 | 92.0%              | 252                                                           | 1,792               | 396               | 52                      |
| Kansas               | 68.0%              | 163                                                           | 1,109               | 472               | 59                      |
| Kentucky             | 15.0%              | 402                                                           | 2,182               | 729               | 84                      |
| Louisiana            | 56.0%              | 603                                                           | 1,564               | 580               | 116                     |
| Maine                | 100.0%             | 66                                                            | 1,622               | 428               | 35                      |
| Maryland             | 99.0%              | 608                                                           | 2,073               | 1,272             | 226                     |
| Massachusetts        | 90.0%              | 333                                                           | 578                 | 358               | 45                      |
| Michigan             | 87.0%              | 225                                                           | 1,067               | 337               | 85                      |
| Minnesota            | 97.0%              | 208                                                           | 1,884               | 511               | 145                     |
| Mississippi          | 45.0%              | 145                                                           | 1,483               | 454               | 124                     |
| Missouri             | 94.0%              | 274                                                           | 1,928               | 566               | 121                     |
| Montana              | 96.0%              | 112                                                           | 1,831               | 305               | 21                      |
| Nebraska             | 92.0%              | 139                                                           | 2,013               | 657               | 112                     |
| Nevada               | 98.0%              | 337                                                           | 1,724               | 618               | 159                     |
| New Hampshire        | 78.0%              | 84                                                            | 771                 | 580               | 12                      |
| New Jersey           | 96.0%              | 332                                                           | 925                 | 642               | 158                     |
| New Mexico           | 73.0%              | 278                                                           | 1,537               | 580               | 133                     |
| New York             | 47.0%              | 260                                                           | 1,141               | 536               | 60                      |
| North Carolina       | 72.0%              | 305                                                           | 1,615               | 458               | 197                     |
| North Dakota         | 91.0%              | 117                                                           | 2,107               | 477               | 70                      |
| Ohio                 | 60.0%              | 160                                                           | 1,088               | 360               | 79                      |
| Oklahoma             | 100.0%             | 202                                                           | 1,335               | 479               | 83                      |
| Oregon               | 96.0%              | 192                                                           | 1,914               | 614               | 87                      |
| Pennsylvania         | 97.0%              | 426                                                           | 1,106               | 486               | 119                     |
| Rhode Island         | 100.0%             | 186                                                           | 1,097               | 397               | 129                     |
| South Carolina       | 98.0%              | 192                                                           | 784                 | 388               | 94                      |
| South Dakota         | 78.0%              | 79                                                            | 1,640               | 590               | 83                      |
| Tennessee            | 80.0%              | 318                                                           | 1,348               | 574               | 115                     |
| Texas                | 96.0%              | 181                                                           | 1,182               | 566               | 61                      |
| Utah                 | 87.0%              | 122                                                           | 2,125               | 563               | 120                     |
| Vermont              | 82.0%              | 91                                                            | 569                 | 274               | 29                      |
| Virginia             | 97.0%              | 142                                                           | 865                 | 351               | 72                      |
| Washington           | 73.0%              | 248                                                           | 1,760               | 507               | 126                     |
| West Virginia        | 61.0%              | 72                                                            | 577                 | 204               | 25                      |
| Wisconsin            | 98.0%              | 279                                                           | 2,588               | 780               | 238                     |
| Wyoming              | 99.0%              | 132                                                           | 1,977               | 910               | 83                      |

**Notes:** Arrest rate is defined as the number of arrests of person under age 18 for every 100,000 persons ages 10-17. n/a=Crime in the United States 2008 reported no arrest counts for District of Columbia and Hawaii. State variations in juvenile arrests may reflect differences in juvenile law-violating behavior, police behavior, and/or community standards; therefore, comparisons should be made with caution.

**Sources:** Puzzanchera, C. (2009). *Juvenile arrests 2008*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Federal Bureau of Investigation. (2009). *Crime in the United States 2008*. Washington, D.C.: U.S. Department of Justice.

Population data from the National Center for Health Statistics. *Estimates of the July 1, 2000-July 1, 2008, United States Resident Population from the Vintage 2008 Postcensal Series by Year, County, Age, Sex, Race and Hispanic Origin* [machine-readable data files available online at [http://www.cdc.gov/nchs/nvss/bridges\\_race.htm](http://www.cdc.gov/nchs/nvss/bridges_race.htm), released 9/2/2009].

**A caution about the data**

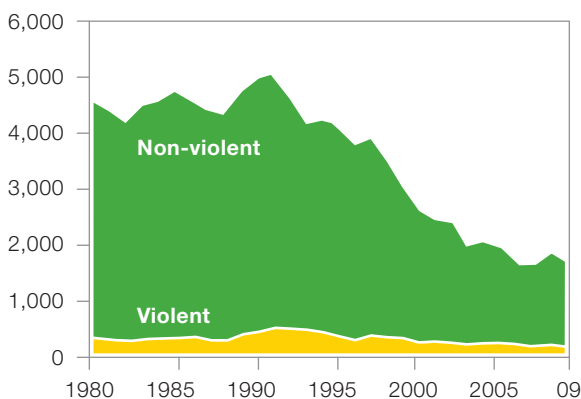
*Although juvenile arrest rates may largely reflect juvenile behavior, comparisons of juvenile arrest rates across jurisdictions should be made with caution because many other factors can affect the magnitude of arrest rates. Arrest rates are calculated by dividing the number of youth arrests made in the year by the number of youth living in the jurisdiction. In general, jurisdictions that arrest a relatively large number of nonresident juveniles would have higher arrest rates than jurisdictions where resident youth behave similarly. For example, jurisdictions (especially small ones) that are vacation destinations or that are centers for economic activity in a region may have arrest rates that reflect the behavior of nonresident youth more than that of resident youth. Other factors that influence arrest rates in a given area include the attitudes of citizens toward crime, the policies of local law enforcement agencies, and the policies of other components of the justice system. Finally, in many counties, not all law enforcement agencies report their arrest data to the FBI; because a county's rate is based on data from reporting agencies, that rate may not accurately reflect the entire county's actual arrest rate (e.g., when a large urban police department does not report).*

**Source:** Puzzanchera, C. (2009). *Juvenile arrests 2008*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice.

- The arrest rate is defined as the number of arrests of persons under age 18 for every 100,000 persons between the ages of 10 and 17.
- In 2008, the racial composition of juveniles (ages 10-17) in the United States was 78 percent white, 16 percent black, five percent Asian/Pacific Islander, and one percent American Indian.
- Black juveniles were overrepresented in juvenile arrests in 2008. They were arrested five times the rate of white juveniles for violent crimes (926 vs. 178), and more than double the arrest rate of whites for property crimes (2,689 vs. 1,131). The arrest rates are based on the number of arrests per 100,000 juveniles in the ethnic group.
- Colorado's overall juvenile violent index crime arrest rate in 2008 was 35 percent below the national average (199 compared to 306 per 100,000 juveniles aged 10-17), while Colorado's property arrest rate was 33 percent above the national average (1,853 compared to 1,398).
- In 2008, Colorado had a higher arrest rate for drug abuse violations compared to the national average.

## Juvenile violent vs. property arrests

Figure 4.4. Colorado juvenile violent and property arrest rates, 1980-2009

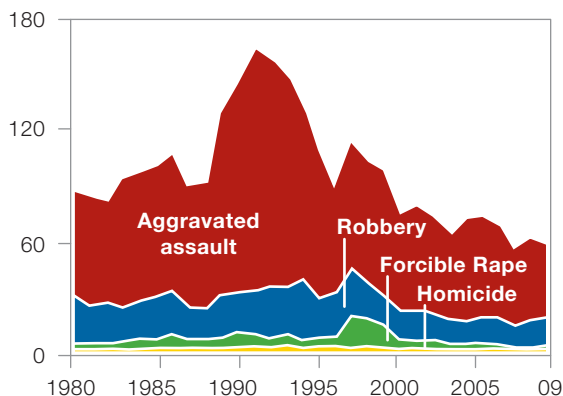


**Notes:** Rates are per 100,000 juveniles aged 10-17. Violent arrests include homicide, forcible rape, robbery, and aggravated assault. Property arrests include larceny-theft, burglary, motor vehicle theft, and arson.

**Sources:** Population data: Colorado State Demographers Office, Department of Local Affairs. Arrest data: Colorado Bureau of Investigation. (1980-2009). *Crime in Colorado*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbi.state.co.us/CNC/index.html>.

- Juvenile violent arrests on average make up 10 percent of all arrests in Colorado.
- Over the last 29 years, violent and property arrests in Colorado decreased. Violent arrests fell 33 percent to 177.8 per 100,000 juveniles aged 10-17, while property arrests declined 65 percent to 1515.0 per 100,000 juveniles.

Figure 4.5. Colorado juvenile violent arrest rates, 1980-2009

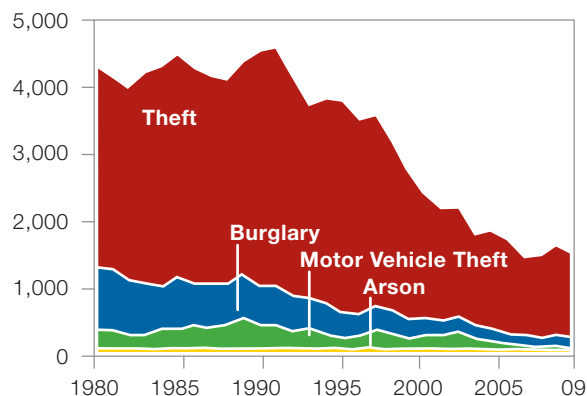


**Note:** Rates are per 100,000 juveniles aged 10-17.

**Sources:** Population data: Colorado State Demographers Office, Department of Local Affairs. Arrest data: Colorado Bureau of Investigation. (1980-2009). *Crime in Colorado*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbi.state.co.us/CNC/index.html>.

- Aggravated assaults made up the vast majority of juvenile violent arrests.
- In 2009, arrest rates for homicide and forcible rape increased while robbery and aggravated assault fell from the previous year.

Figure 4.6. Colorado juvenile property arrest rates, 1980-2009



**Note:** Rates are per 100,000 juveniles aged 10-17.

**Sources:** Population data: Colorado State Demographers Office, Department of Local Affairs. Arrest data: Colorado Bureau of Investigation. (1980-2009). *Crime in Colorado*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbi.state.co.us/CNC/index.html>.

- Larcenies and thefts made up the vast majority of arrests for property crimes.
- In 2009, the burglary arrest rate decreased 17 percent over the previous year.
- Since 2002, Colorado's motor vehicle theft arrest rates have significantly decreased, by almost 79 percent.
- Over the last three years, the arson arrest rate fell 21 percent to 31.6 per 100,000 juveniles between the ages of 10 and 17.

**Note the differences in scale used in the figures on this page.**

## Status offenses

A status offense is an offense that if committed by an adult would not be considered criminal (i.e. truancy, runaway, etc). The number of arrests for status offenses can be found in Table 4.6. Arrest data for truancy is not available. According

Table 4.6. Number of status offense arrests, 2009

|                       | Arrests N |
|-----------------------|-----------|
| Curfew violation      | 1,960     |
| Liquor law violations | 3,970     |
| Gambling              | 0         |
| Runaway               | 4,311     |

**Source:** Colorado Bureau of Investigation. (2010). *Crime in Colorado 2009*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbi.state.co.us/CNC/index.html>.

Table 4.7. Number of juvenile truancy filings by judicial district, FY 2010

| District | Court location | Truancy N |
|----------|----------------|-----------|
| 1        | Gilpin         | 0         |
|          | Jefferson      | 362       |
| 2        | Denver         | 408       |
| 3        | Huerfano       | 1         |
|          | Las Animas     | 16        |
| 4        | El Paso        | 477       |
|          | Teller         | 7         |
| 5        | Clear Creek    | 0         |
|          | Eagle          | 0         |
|          | Lake           | 2         |
|          | Summit         | 0         |
| 6        | Archuleta      | 2         |
|          | La Plata       | 16        |
|          | San Juan       | 0         |
| 7        | Delta          | 0         |
|          | Gunnison       | 0         |
|          | Hinsdale       | 0         |
|          | Montrose       | 1         |
|          | Ouray          | 0         |
|          | San Miguel     | 0         |
| 8        | Jackson        | 0         |
|          | Larimer        | 20        |
| 9        | Garfield       | 17        |
|          | Pitkin         | 1         |
|          | Rio Blanco     | 0         |
| 10       | Pueblo         | 232       |
| 11       | Chaffee        | 10        |
|          | Custer         | 0         |
|          | Fremont        | 11        |
|          | Park           | 1         |
| 12       | Alamosa        | 14        |
|          | Conejos        | 13        |
|          | Costilla       | 0         |
|          | Mineral        | 0         |
|          | Rio Grande     | 2         |
|          | Saguache       | 0         |

to section C.R.S. 13-1-127, a truancy proceeding is a judicial proceeding regarding the enforcement of school attendance. Truancy cases are filed in juvenile district court, and during FY 2010, there were 2,943 truancy cases filed. This represents 10 percent of the total number of juvenile district court filings. See Table 4.7 for the number of truancy filings by judicial district.

| District                           | Court location | Truancy N    |
|------------------------------------|----------------|--------------|
| 13                                 | Kit Carson     | 0            |
|                                    | Logan          | 8            |
|                                    | Morgan         | 40           |
|                                    | Phillips       | 0            |
|                                    | Sedgwick       | 0            |
|                                    | Washington     | 0            |
|                                    | Yuma           | 1            |
| 14                                 | Grand          | 0            |
|                                    | Moffat         | 8            |
|                                    | Routt          | 0            |
| 15                                 | Baca           | 0            |
|                                    | Cheyenne       | 0            |
|                                    | Kiowa          | 0            |
|                                    | Prowers        | 26           |
| 16                                 | Bent           | 8            |
|                                    | Crowley        | 1            |
|                                    | Otero          | 13           |
| 17                                 | Adams          | 218          |
|                                    | Broomfield     | 22           |
| 18                                 | Arapahoe       | 312          |
|                                    | Douglas        | 7            |
|                                    | Elbert         | 0            |
|                                    | Lincoln        | 1            |
| 19                                 | Weld           | 375          |
| 20                                 | Boulder        | 179          |
| 21                                 | Mesa           | 98           |
| 22                                 | Dolores        | 0            |
|                                    | Montezuma      | 13           |
| <b>Total</b>                       |                | <b>2,943</b> |
| <b>Percent of juvenile filings</b> |                | <b>10.0%</b> |

**Source:** Colorado Judicial Branch. (2010). *Annual statistical report fiscal year 2010*. Denver, CO: Supreme Court of Colorado. Available at <http://www.courts.state.co.us/Administration/Unit.cfm/unit/annrep>.

Status offenses such as curfew violations, possession of alcohol by a minor, and runaways are considered juvenile delinquency (JD) filings in district court. In FY 2010, they represented about three percent of the statewide total of JD filings.

Table 4.8. Number of juvenile delinquency status offense filings by judicial district, FY 2010

| District | Court location | N                |                             |          |
|----------|----------------|------------------|-----------------------------|----------|
|          |                | Curfew violation | Poss. of alcohol by a minor | Run-away |
| 1        | Gilpin         | 0                | 0                           | 0        |
|          | Jefferson      | 0                | 0                           | 0        |
| 2        | Denver         | 0                | 0                           | 13       |
| 3        | Huerfano       | 0                | 13                          | 0        |
|          | Las Animas     | 0                | 11                          | 0        |
| 4        | El Paso        | 0                | 2                           | 0        |
|          | Teller         | 0                | 1                           | 0        |
| 5        | Clear Creek    | 0                | 0                           | 0        |
|          | Eagle          | 0                | 0                           | 0        |
|          | Lake           | 0                | 0                           | 0        |
|          | Summit         | 0                | 2                           | 0        |
| 6        | Archuleta      | 0                | 0                           | 0        |
|          | La Plata       | 0                | 0                           | 0        |
|          | San Juan       | 0                | 0                           | 0        |
| 7        | Delta          | 0                | 2                           | 0        |
|          | Gunnison       | 0                | 7                           | 0        |
|          | Hinsdale       | 0                | 0                           | 0        |
|          | Montrose       | 0                | 4                           | 0        |
|          | Ouray          | 0                | 0                           | 0        |
|          | San Miguel     | 0                | 1                           | 0        |
| 8        | Jackson        | 0                | 0                           | 0        |
|          | Larimer        | 0                | 152                         | 0        |
| 9        | Garfield       | 0                | 8                           | 0        |
|          | Pitkin         | 0                | 2                           | 0        |
|          | Rio Blanco     | 0                | 0                           | 0        |
| 10       | Pueblo         | 0                | 3                           | 0        |
| 11       | Chaffee        | 0                | 6                           | 0        |
|          | Custer         | 0                | 0                           | 0        |
|          | Fremont        | 0                | 39                          | 0        |
|          | Park           | 0                | 4                           | 0        |
| 12       | Alamosa        | 0                | 1                           | 0        |
|          | Conejos        | 0                | 0                           | 0        |
|          | Costilla       | 0                | 0                           | 0        |
|          | Mineral        | 0                | 0                           | 0        |
|          | Rio Grande     | 0                | 18                          | 0        |
|          | Saguache       | 0                | 0                           | 0        |

| District                                       | Court location | N                |                             |             |
|------------------------------------------------|----------------|------------------|-----------------------------|-------------|
|                                                |                | Curfew violation | Poss. of alcohol by a minor | Run-away    |
| 13                                             | Kit Carson     | 0                | 0                           | 0           |
|                                                | Logan          | 0                | 0                           | 0           |
|                                                | Morgan         | 0                | 0                           | 0           |
|                                                | Phillips       | 0                | 0                           | 0           |
|                                                | Sedgwick       | 0                | 0                           | 0           |
|                                                | Washington     | 0                | 0                           | 0           |
|                                                | Yuma           | 0                | 0                           | 0           |
| 14                                             | Grand          | 0                | 2                           | 0           |
|                                                | Moffat         | 0                | 0                           | 0           |
|                                                | Routt          | 0                | 0                           | 0           |
| 15                                             | Baca           | 0                | 0                           | 0           |
|                                                | Cheyenne       | 0                | 0                           | 0           |
|                                                | Kiowa          | 0                | 0                           | 0           |
|                                                | Prowers        | 0                | 0                           | 0           |
| 16                                             | Bent           | 0                | 0                           | 0           |
|                                                | Crowley        | 0                | 0                           | 0           |
|                                                | Otero          | 0                | 0                           | 0           |
| 17                                             | Adams          | 0                | 0                           | 0           |
|                                                | Broomfield     | 0                | 0                           | 0           |
| 18                                             | Arapahoe       | 0                | 0                           | 0           |
|                                                | Douglas        | 0                | 10                          | 0           |
|                                                | Elbert         | 0                | 0                           | 0           |
|                                                | Lincoln        | 0                | 0                           | 0           |
| 19                                             | Weld           | 0                | 3                           | 0           |
| 20                                             | Boulder        | 0                | 7                           | 0           |
| 21                                             | Mesa           | 0                | 0                           | 0           |
| 22                                             | Dolores        | 0                | 0                           | 0           |
|                                                | Montezuma      | 0                | 1                           | 0           |
| <b>Total</b>                                   |                | <b>0</b>         | <b>299</b>                  | <b>13</b>   |
| <b>Percent of juvenile delinquency filings</b> |                | <b>0.0%</b>      | <b>3.0%</b>                 | <b>0.0%</b> |

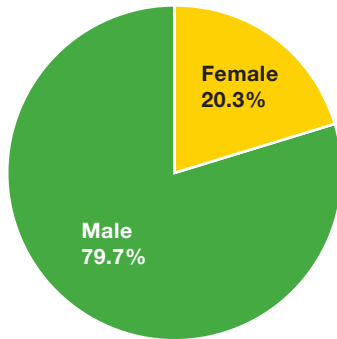
**Source:** Colorado Judicial Branch. (2010). *Annual statistical report fiscal year 2010*. Denver, CO: Supreme Court of Colorado. Available at <http://www.courts.state.co.us/Administration/Unit.cfm/unit/annrep>.

## Who gets arrested?

Arrest data were extracted from the Colorado Bureau of Investigation's Colorado Criminal History database by means of the Colorado Justice Analytics Support System (CJASS). This data source differs from that used to compile CBI's annual *Crime in Colorado* report statistics, and includes only arrests in which a fingerprint was taken which are generally arrests involving more serious crimes.

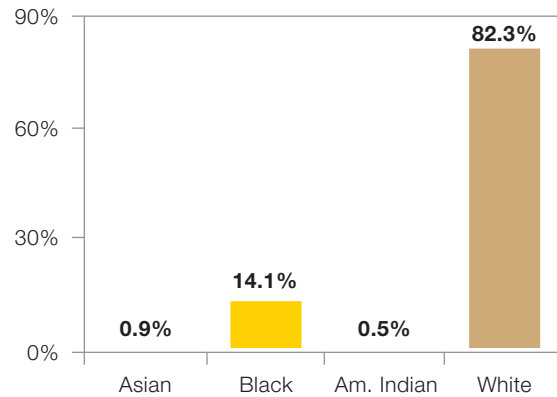
The demographic characteristics of juveniles arrested during calendar year 2008 resemble those of adults. Most arrested youth are male (79.7 percent), and 82.3 percent are white (including youth of Hispanic ethnicity). Black youth represent 14.1 percent of all juvenile arrests, with only 1.4 percent being from other minority groups. The average age of juveniles arrested is 15.5, with a median of 16. Over half (57.2 percent) of juvenile arrestees are 16 or 17 years of age, with increasing age corresponding with increasing proportions of arrests.

Figure 4.7. Gender: Colorado juveniles arrested, 2008 (N=12,243)



**Source:** Arrest data were extracted from the Colorado Bureau of Investigation's Colorado Criminal History (CCH) database via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

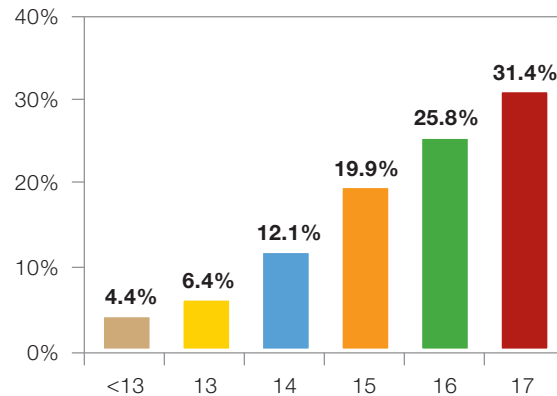
Figure 4.8. Race: Colorado juveniles arrested, 2008 (N= 12,243)



**Note:** Percentages may not total 100 percent due to rounding.

**Source:** Arrest data were extracted from the Colorado Bureau of Investigation's Colorado Criminal History (CCH) database via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

Figure 4.9. Age: Colorado juveniles arrested, 2008 (N=12,243)



**Source:** Arrest data were extracted from the Colorado Bureau of Investigation's Colorado Criminal History (CCH) database via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

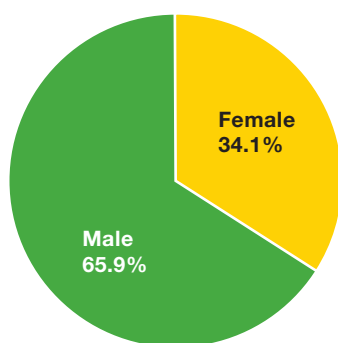
## Diversion

According to the Colorado Children's Code (C.R.S. 19-1-103(44)) the goal of juvenile diversion is to prevent further involvement of the youth in the formal legal system.

Diversion of a youth can take place either at the pre-filing level as an alternative to filing a petition; or at the post adjudication level as an adjunct to probation services following an adjudicatory hearing; or a disposition as a part of sentencing. Juvenile diversion programs concentrate on holding the youth accountable for their behavior while involving them in programs and activities to prevent future criminal and delinquent behavior. Programs of this type provide local communities alternatives for holding youth accountable for their behavior, can help change the way youth think about their behavior, ensure that youth take responsibility for their actions, and ensure that victims and communities feel safe and restored.

For over 20 years, the Colorado General Assembly has appropriated general funds to help support juvenile diversion programming as authorized under C.R.S. 19-2-303. In FY 2010, \$1.2 million was awarded to 22 diversion programs across the state. A total of 2,615 youth were served through the state's 22 diversion programs, and 22.8 percent of them were under the age of 14 years old when entering a diversion program. In addition, the youth completed a total of 29,526 community service hours and \$229,058 in restitution was collected.

Figure 4.10. Gender: Colorado juvenile diversion participants, FY 2010



**Note:** Percentages exclude missing data.

**Source:** Diversion data was compiled and analyzed by the Omni Institute using the Colorado KIT system.

- Almost two thirds of the youth served in juvenile diversion programs were males.

Table 4.9. Race: Colorado juvenile diversion participants, FY 2010

|                        | Percent     |
|------------------------|-------------|
| White                  | 57.6%       |
| Hispanic               | 29.5%       |
| Black                  | 3.5%        |
| American Indian        | 3.2%        |
| Asian/Pacific Islander | 1.0%        |
| Other                  | 5.3%        |
| <b>Total</b>           | <b>100%</b> |

**Note:** Percentages exclude missing data.

**Source:** Diversion data was compiled and analyzed by the Omni Institute using the Colorado KIT system.

- Most juvenile diversion clients were white (57.6 percent) in FY 2010.

Table 4.10. Age: Colorado juvenile diversion participants, FY 2010

|              | Percent     |
|--------------|-------------|
| 10           | 1.6%        |
| 11           | 2.5%        |
| 12           | 7.1%        |
| 13           | 11.6%       |
| 14           | 14.3%       |
| 15           | 18.2%       |
| 16           | 20.9%       |
| 17           | 20.2%       |
| 18+          | 3.6%        |
| <b>Total</b> | <b>100%</b> |

**Note:** Percentages exclude missing data.

**Source:** Diversion data was compiled and analyzed by the Omni Institute using the Colorado KIT system.

- Over half of the youth admitted to juvenile diversion programs were between the age of 10-15 years old.

Table 4.11. Charge level for which the youth was referred to juvenile diversion, FY 2010

|                | Percent     |
|----------------|-------------|
| Felony         | 22.3%       |
| Misdemeanor    | 63.1%       |
| Petty offense  | 10.2%       |
| Status offense | 2.4%        |
| Other          | 2.0%        |
| <b>Total*</b>  | <b>100%</b> |

**Note:** Percentages exclude missing data.

**Source:** Diversion data was compiled and analyzed by the Omni Institute using the Colorado KIT system.

- Over half of the youth were referred to diversion because of a misdemeanor charge. Twenty seven percent were for theft followed by person offenses (22.5 percent), property crimes (20.7 percent) and drug crimes (18.3 percent).

Table 4.12. Discharge status: Colorado juvenile diversion participants, FY 2010

|                                | Percent     |
|--------------------------------|-------------|
| Successful                     | 81.7%       |
| Transferred to another program | 2.9%        |
| Unsuccessful: New arrest       | 3.0%        |
| Unsuccessful: Non compliance   | 11.1%       |
| Unsuccessful: Other            | 1.2%        |
| <b>Total</b>                   | <b>100%</b> |

**Note:** \*Other includes the youth(s) moved out of state, received detention or other alternatives, charges were not filed, or chose court after diversion contract was signed.

**Source:** Diversion data was compiled and analyzed by the Omni Institute using the Colorado KIT system.

- In FY 2010, 1,532 youth discharged from a diversion program with 81.7 percent completing successfully.

### **FY 2010 sub grantees:**

#### **District Attorney Diversion programs**

- 2nd Judicial District
- 3rd Judicial District
- 4th Judicial District
- 5th Judicial District
- 11th Judicial District
- 18th Judicial District
- 19th Judicial District

#### **Community-based service agencies**

- Center for Community Partnerships – Larimer County Diversion Program
- Center for Restorative Programs
- Delta County – Delta County Juvenile Diversion
- Gunnison Area Restorative Practices – Restorative Justice Project of the Gunnison Valley
- Hilltop Community Resources, Inc. – Montrose County Juvenile Diversion Program
- La Plata Youth Services
- Mesa Youth Services
- Montezuma County Partners
- Pueblo County – Take Charge Prevention Program
- Teen Court of Huerfano County
- YouthZone

#### **Other**

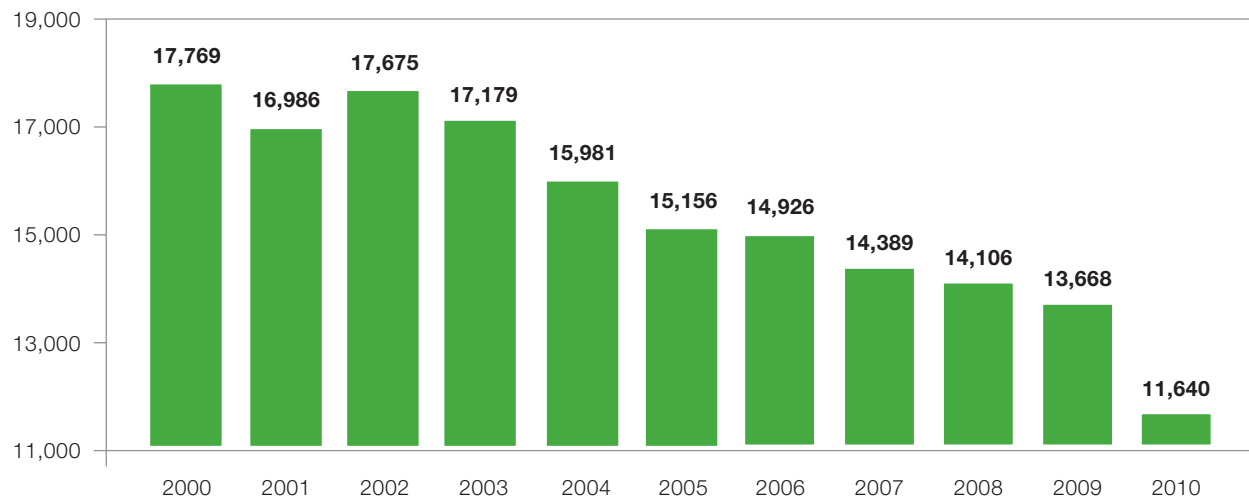
- 17th Judicial District Courts
- Fort Collins Police Services
- Gunnison County
- Town of Estes Park, Police Department – Estes Valley Restorative Justice Partnership

## Who is prosecuted?

When a juvenile is accused of a crime in Colorado, the court process is very different than that followed in adult court. The juvenile crime is called an act of delinquency and requires juvenile court intervention. The district attorney decides whether to dismiss the matter, to handle the matter informally, or to file a delinquency petition in court. An adjudicatory trial then takes place to determine whether the allegations of the delinquency petition are supported by the evidence.

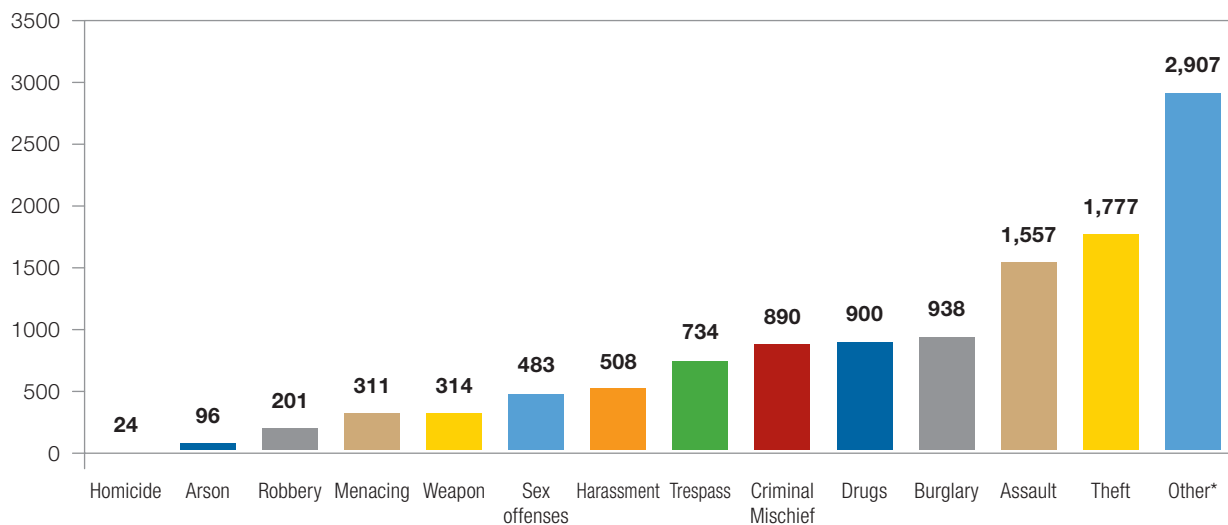
- The numbers of juvenile delinquency cases filed statewide in Colorado have decreased 34.1 percent between FY 2002 and FY 2010.
- The most common crime filed in juvenile delinquency cases during FY 2010 was theft (15.5 percent), followed by assault (12.6 percent of cases).

Figure 4.11. Colorado juvenile delinquency petitions filed FY 2000 through FY 2010



**Source:** Colorado Judicial Branch (2001-2010). *Annual statistical report*. Denver, CO: Supreme Court of Colorado. Available at <http://www.courts.state.co.us/Administration/Unit.cfm/Unit/annrep>.

Figure 4.12. Colorado juvenile delinquency petitions filed FY 2010 by type of case (N=11,640)



**Note:** \*Other includes change of venue, child abuse, cruelty to animals, delinquent case, escape, forgery, fraud, impersonation, kidnapping, municipal charge, possession of alcohol by minor, prostitution, public peace and order, runaway, tampering, and vehicular assault.

**Source:** Colorado Judicial Branch. (2010). *Annual statistical report fiscal year 2010*. Denver, CO: Supreme Court of Colorado. Available at <http://www.courts.state.co.us/Administration/Custom.cfm/Unit/annrep>.

Table 4.13. Colorado juvenile delinquency petitions filed in FY 2010 by judicial district and county (N=11,640)

| District | Court location | N     | District     | Court location | N             |
|----------|----------------|-------|--------------|----------------|---------------|
| 1        | Gilpin         | 5     | 13           | Kit Carson     | 9             |
|          | Jefferson      | 1,167 |              | Logan          | 36            |
| 2        | Denver         | 1,339 |              | Morgan         | 84            |
| 3        | Huerfano       | 39    |              | Phillips       | 1             |
|          | Las Animas     | 76    |              | Sedgwick       | 3             |
| 4        | El Paso        | 1,426 |              | Washington     | 8             |
|          | Teller         | 45    |              | Yuma           | 8             |
| 5        | Clear Creek    | 19    | 14           | Grand          | 23            |
|          | Eagle          | 86    |              | Moffat         | 27            |
|          | Lake           | 18    |              | Routt          | 28            |
|          | Summit         | 33    | 15           | Baca           | 12            |
| 6        | Archuleta      | 15    |              | Cheyenne       | 6             |
|          | La Plata       | 77    |              | Kiowa          | 5             |
|          | San Juan       | 1     |              | Prowers        | 37            |
| 7        | Delta          | 55    | 16           | Bent           | 21            |
|          | Gunnison       | 69    |              | Crowley        | 13            |
|          | Hinsdale       | 0     |              | Otero          | 53            |
|          | Montrose       | 104   | 17           | Adams          | 717           |
|          | Ouray          | 4     |              | Broomfield     | 81            |
|          | San Miguel     | 8     | 18           | Arapahoe       | 947           |
| 8        | Jackson        | 1     |              | Douglas        | 575           |
|          | Larimer        | 1,243 |              | Elbert         | 44            |
| 9        | Garfield       | 135   |              | Lincoln        | 10            |
|          | Pitkin         | 34    | 19           | Weld           | 1,059         |
|          | Rio Blanco     | 13    | 20           | Boulder        | 718           |
| 10       | Pueblo         | 300   | 21           | Mesa           | 337           |
| 11       | Chaffee        | 29    | 22           | Dolores        | 1             |
|          | Custer         | 5     |              | Montezuma      | 68            |
|          | Fremont        | 194   | <b>Total</b> |                | <b>11,640</b> |
|          | Park           | 21    |              |                |               |
| 12       | Alamosa        | 46    |              |                |               |
|          | Conejos        | 17    |              |                |               |
|          | Costilla       | 0     |              |                |               |
|          | Mineral        | 0     |              |                |               |
|          | Rio Grande     | 66    |              |                |               |
|          | Saguache       | 19    |              |                |               |

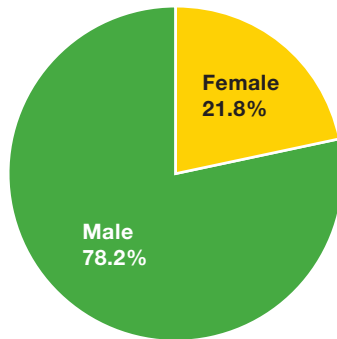
**Note:** See Section 3 for a map of the Colorado Judicial Districts.

**Source:** Colorado Judicial Branch. (2010). *Annual statistical report fiscal year 2010*. Denver, CO: Supreme Court of Colorado. Available at <http://www.courts.state.co.us/Administration/Custom.cfm/Unit/annrep>.

Data concerning juvenile delinquency cases were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system by means of the Colorado Integrated Criminal Justice Information System's (CICJIS) Criminal Justice Analytics Support

System (CJASS) and analyzed by DCJ's Office of Research and Statistics. The information below is taken from 14,167 Colorado juvenile court petitions disposed, or on which a finding was entered, in calendar year 2008. In many cases, these individuals were arrested and filed on prior to 2008.

Figure 4.13. Gender: Colorado juvenile delinquency petitions disposed in 2008 (N=14,120)



**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

Table 4.14. Race: Colorado juvenile delinquency petitions disposed in 2008 (N=13,875)

| Race            | Percent     |
|-----------------|-------------|
| Asian           | 0.7%        |
| American Indian | 0.7%        |
| Black           | 11.5%       |
| Hispanic        | 12.8%       |
| White           | 72.2%       |
| Other           | 2.0%        |
| <b>Total</b>    | <b>100%</b> |

**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

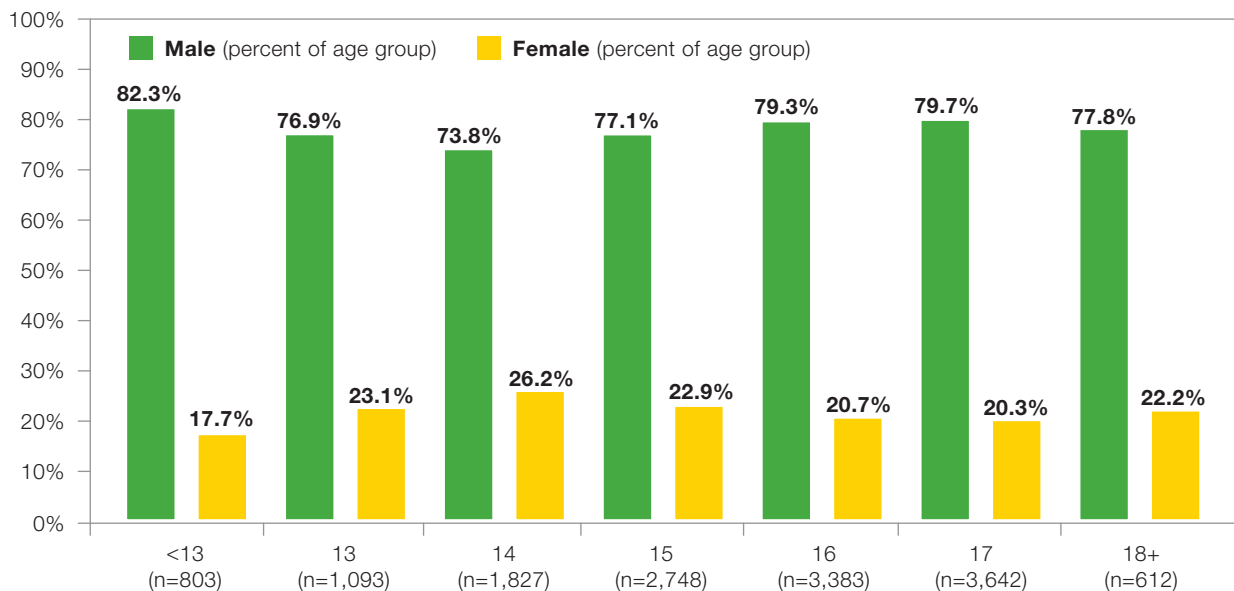
- Almost eight out of every 10 juveniles with cases disposed in 2008 were male.
- In 2008, whites (72.2 percent) represented the largest group receiving all forms of dispositions.
- Following whites, the next largest proportion were Hispanic (12.8 percent). It should be noted that the Hispanic juvenile percentage may be slightly smaller (and the white percentage larger) because some Hispanic youth may be categorized as white. The remaining categories, by size, were black (11.5 percent), other (2.0 percent), American Indian and Asian (both at 0.7 percent).
- The average age of juveniles with district court cases closed in 2008, both overall and separately for male and female juveniles, was nearly 15 years and 5 months with a median age of 16.

Table 4.15. Average age and gender: Colorado juvenile delinquency petitions disposed in 2008 (N=14,108)

| Sex          | Average     | Median      |
|--------------|-------------|-------------|
| Male         | 15.4        | 16.0        |
| Female       | 15.4        | 16.0        |
| <b>Total</b> | <b>15.4</b> | <b>16.0</b> |

**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

Figure 4.14. Age and gender: Colorado juvenile delinquency petitions disposed in 2008 (N=14,108)



**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- The relative proportions of male and female juveniles within age groups were very similar with males comprising approximately 80 percent and females 20 percent of each age group. The highest proportion of males occurred in the under 13 category (82.3 percent) and the highest proportion of females occurred at the age of 14 (26.2 percent).
- Nearly 70 percent of juveniles were between the ages of 15 and 17 at the time of filing. Situations occur in which a crime was committed by an individual aged 17 or under, but who have reached the age of 18 by the time an arrest or a court filing actually takes place.

### ***The Role of the Guardian Ad Litem (GAL)***

***In Colorado a guardian ad litem, special advocate, or other representative can be appointed by the court on behalf of children, wards, or impaired adults in all cases.<sup>1</sup> A guardian ad litem (GAL) protects the best interests of the child (or incapacitated adult) involved in any lawsuit. For example, when the parents or grandparents of a child are involved in a custody battle, or when a lawsuit alleges child abuse, child neglect, juvenile delinquency, or dependency, the GAL represents only the child's best interests. They may conduct interviews and investigations of their own (separate from any other party in the case) and report to the court with suggestions based on the best interest of the child.***

<sup>1</sup> Chief Justice Directives 89-02, 89-03 and CJD 96-02 are repealed and this Directive 97-02 was adopted, effective August 1, 1997.

## Cases filed in adult criminal court involving defendants under the age of 18 years

### United States

All states have established methods for prosecuting juveniles as adults. There are three types of laws that allow the transfer of cases from juvenile to adult court:

- Concurrent jurisdiction law allows prosecutors to use their discretion and decide whether to file a case in juvenile or criminal court.
- Statutory excursion laws grant criminal courts original jurisdiction over certain classes of cases involving juveniles.
- Judicial waiver laws authorize or require juvenile court judges to remove certain youth from juvenile court jurisdiction to be tried as adults in criminal court.

Table 4.16. Offense profiles and characteristics of U.S. cases judicially waived to criminal court

|                             | 1985         | 1994          | 2007         |
|-----------------------------|--------------|---------------|--------------|
| <b>Total cases waived</b>   | <b>7,200</b> | <b>13,000</b> | <b>8,500</b> |
| <b>Most serious offense</b> |              |               |              |
| Person                      | 33.0%        | 42.0%         | 48.0%        |
| Property                    | 53.0%        | 37.0%         | 27.0%        |
| Drugs                       | 5.0%         | 12.0%         | 13.0%        |
| Public order                | 9.0%         | 9.0%          | 11.0%        |
| <b>Gender</b>               |              |               |              |
| Male                        | 95.0%        | 95.0%         | 90.0%        |
| Female                      | 5.0%         | 5.0%          | 10.0%        |
| <b>Age at referral</b>      |              |               |              |
| 15 or younger               | 7.0%         | 13.0%         | 12.0%        |
| 16 or older                 | 93.0%        | 87.0%         | 88.0%        |
| <b>Race</b>                 |              |               |              |
| White                       | 59.0%        | 54.0%         | 59.0%        |
| Black                       | 40.0%        | 43.0%         | 37.0%        |
| Other                       | 1.0%         | 3.0%          | 4.0%         |

**Note:** Detail may not add to 100 percent because of rounding.

**Source:** Adams, B. & Addie, S. (2010). *Delinquency cases waived to criminal court, 2007*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice.

- In 2007, almost half of the cases waived to adult criminal court involved person offenses.
- The proportion of waived cases involving females increased between 1985 and 2007.

- Nationally, males age 16 or older make up the majority of waived cases (see Table 4.16).

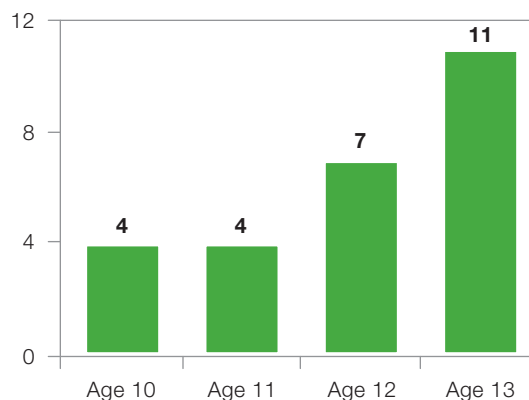
### Colorado

In Colorado there are two ways of prosecuting juveniles as adults: transfers or direct file. The juvenile court may transfer criminal charges to the adult district court, or the district attorney may directly file criminal charges in district court.

### Transfer

Section C.R.S. 19-2-518 states that a transfer occurs when the juvenile court enters an order for the juvenile to be held for criminal proceedings in adult district court. This may occur if the juvenile is 12 or 13 years old at the time of the offense for which they committed a delinquent act that is a class 1 or 2 felony or a crime of violence (per C.R.S. 18-1.3-406). It may also occur when the juvenile is 14 years old or older and committed a felony, and it was determined after an investigation and hearing that it would be in the best interest of the juvenile or the public to transfer jurisdiction from juvenile to adult district court.

Figure 4.15. Number of transfer filings by age of defendant at time of offense: 5 year statewide totals FY 2004-FY 2008



**Note:** Children under 14 years of age cannot be direct filed on.

**Source:** State Court Administrator's Office. (2008). *Cases filed in Colorado's adult criminal court involving defendants 14 - 17 years of age*. Denver, CO: Division of Planning and Analysis, State Court Administrator's Office.

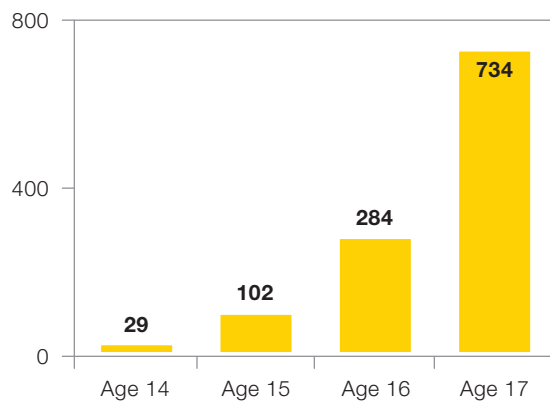
### Direct file

According to section C.R.S. 19-2-517, a juvenile may receive a direct file in adult district court if they are 14 years old or older and are alleged to have committed a class 1 or 2 felony; committed a crime of violence pursuant to C.R.S. 18-1.3-

406; used, or possessed and threatened to use, a deadly weapon during the offense; committed vehicular homicide, vehicular assault, or felonious arson; committed a felony and have been previously subject to a direct file or a trans-

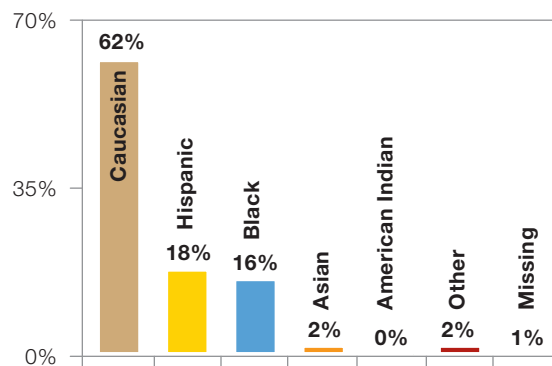
fer; committed a felony and is considered to be a habitual offender; or are 16 years old or older and have been adjudicated a delinquent during the previous two years.

Figure 4.16. Number of criminal cases in which the defendant was under 18 at the time of the offense: 5 year statewide totals, FY 2004-FY 2008



**Source:** State Court Administrator's Office. (2008). *Cases filed in Colorado's adult criminal court involving defendants 14 - 17 years of age*. Denver, CO: Division of Planning and Analysis, State Court Administrator's Office.

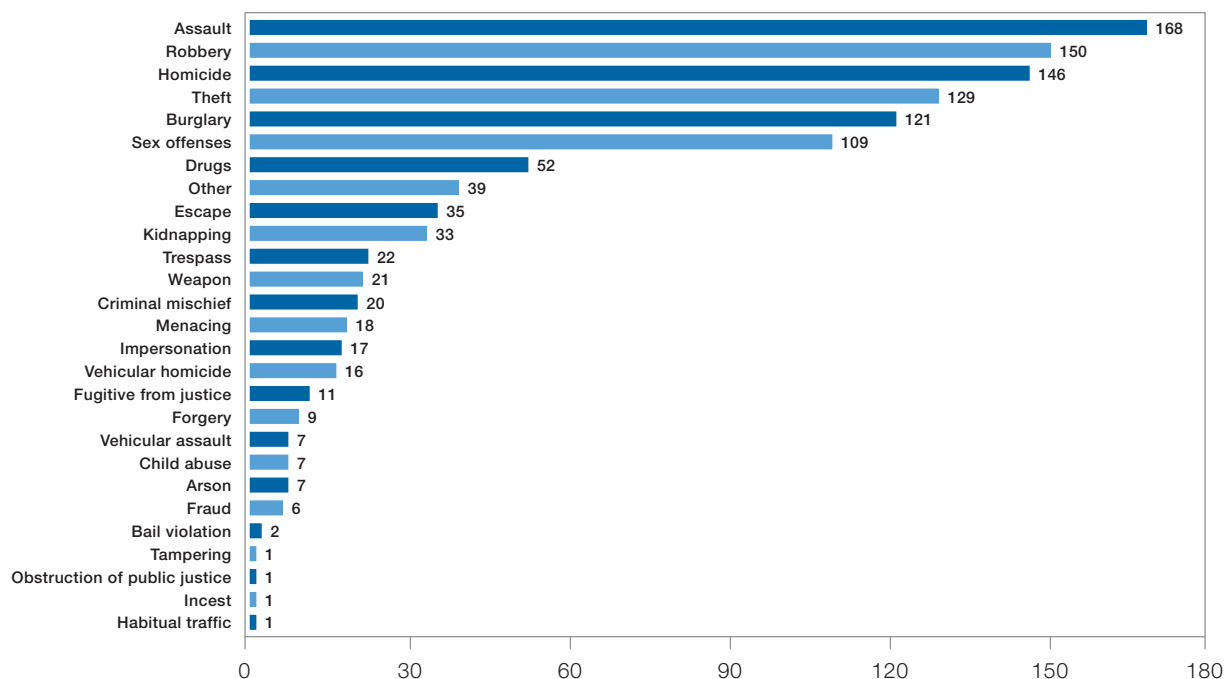
Figure 4.17. Number of criminal cases filed statewide by race, defendants under 18 years old at the time of the offense: 5 year totals, FY 2004-FY 2008



**Note:** Percentages may not total 100 percent because of rounding.

**Source:** State Court Administrator's Office. (2008). *Cases filed in Colorado's adult criminal court involving defendants 14 - 17 years of age*. Denver, CO: Division of Planning and Analysis, State Court Administrator's Office.

Figure 4.18. Number of criminal cases filed statewide by case type, defendants under 18 years old at the time of the offense: 5 year totals, FY 2004-FY 2008



**Source:** State Court Administrator's Office. (2008). *Cases filed in Colorado's adult criminal court involving defendants 14 - 17 years of age*. Denver, CO: Division of Planning and Analysis, State Court Administrator's Office.

# Juveniles in the juvenile justice system

# Juveniles in the juvenile justice system

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## Youthful Offender System (YOS)

A special session of the Colorado state General Assembly held in the fall of 1993 charged the Colorado Department of Corrections with developing and implementing a specialized program for violent juvenile offenders who were charged and convicted as adult felons. This program is called the Youthful Offender System (YOS) and it began accepting inmates in 1994.

An analysis completed on a sample of all youth sentenced in 2002<sup>3</sup> for either a delinquency adjudication or a conviction in criminal court found that the largest proportion (98 percent) of persons sentenced to YOS had been convicted of crimes of violence (murder, kidnap, robbery, assault and burglary per C.R.S. 18-1.3-407). Comparatively, 23.5 percent sentenced to a Division of Youth Corrections commitment was convicted of these crimes.

YOS has four program components:

1. Intake, diagnostic, and orientation (IDO)
2. Phase I, focusing on core programming
3. Phase II, occurring in the last three months of confinement
4. Phase III, comprised of community supervision, monitoring, and reintegration

<sup>3</sup> Di Trollo, E., Madden Rodriguez, J., English, K., & Patrick, D. (2002). *Evaluation of the youthful offender system (YOS) in Colorado: A report of findings per C.R.S. 18-1.3-407*. Denver, CO: Colorado Division of Criminal Justice, Office of Research and Statistics available at: <http://www.dcj.state.co.us/ors/pdf/docs/YOSfinalreport2.pdf>.

**Education contributes to public safety.** Residents who discharged from YOS with a secondary education were significantly more likely to succeed in the program and following release. Those who did not obtain a GED or diploma were found to be:

- 3.8 times more likely to be revoked from YOS to prison.
- 1.6 times more likely to have a felony filing within 2 years of discharge.
- 2.7 times more likely to return to prison with a new conviction following discharge.<sup>4</sup>

The Department of Correction's most recent report on YOS reported that 29 youth graduated from high school and 15 youth obtained GED certificates in FY 2010.

**Program outcomes.** Between FY 1994 and FY 2010, 72 percent of the YOS population successfully completed their sentence, according to DOC's FY 2010 YOS report. The five-year recidivism rate for those who successfully completed YOS (as measured by return to prison on a new sentence) is approximately 30 percent.<sup>5</sup>

<sup>4</sup> Rosky, J., Pasini-Hill, D., Lowden, K., Harrison, L., & English, K. (2004). *Evaluation of the youthful offender system (YOS) in Colorado: A report of findings per C.R.S. 18-1.3-407*. Denver, CO: Colorado Division of Criminal Justice, Office of Research and Statistics. Available at: [http://www.dcj.state.co.us/ors/pdf/docs/YOS\\_REPORT\\_2004.pdf](http://www.dcj.state.co.us/ors/pdf/docs/YOS_REPORT_2004.pdf).

<sup>5</sup> Office of Planning and Analysis (2010). *Youthful offender system annual report, fiscal year 2009 - 2010*. Colorado Springs, CO: Colorado Department of Corrections. Available at <http://www.doc.state.co.us/opa-publications/99>.

## Direct file subcommittee

The Colorado Commission on Criminal and Juvenile Justice (CCJJ) created a Direct File Subcommittee to study the transfer of juveniles to criminal court. The Subcommittee included representatives from the Colorado Defense Bar and local prosecutors' offices. Two bills resulted from this collaboration.

**House Bill 09-1122: Concerning increasing the age of persons eligible for sentencing to the Youthful Offender System.** This bill increased the age of eligibility to 19 years for sentencing to the Department of Correction's Youthful Offender System in lieu of adult prison. This bill passed the House with a vote

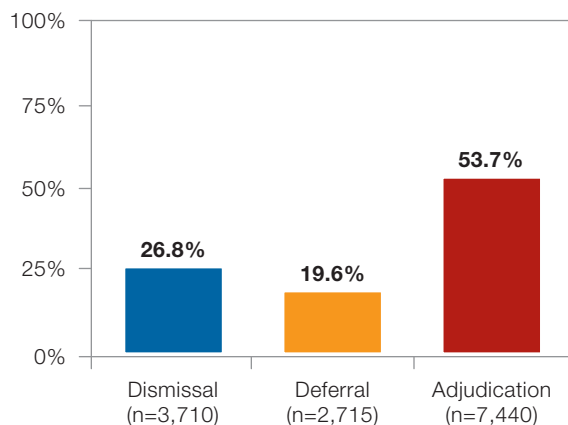
of 58-5 and the Senate with a vote of 34-1, and was signed by the Governor on April 2, 2009.

**House Bill 09-1044: Concerning expungement of records relating to a criminal matter for which a juvenile is sentenced as a juvenile after being charged by the direct filing of charges in district court.** This bill clarified that a juvenile conviction can be sealed even when it was originally filed in adult court and later transferred to juvenile court. It passed the House with a vote of 58-5 and the Senate with a vote of 34-0. The bill was signed by the Governor on March 18, 2009.

## How are juvenile cases disposed?

A juvenile delinquency petition may have several outcomes. A finding of guilty results in an adjudication. If charges are dropped or a finding of not guilty is reached, the case is dismissed. Alternatively, a deferred judgment may be given. This is an arrangement in which a defendant pleads guilty and is placed on probation. If probation is successfully completed, the guilty plea is withdrawn and the case is dismissed.

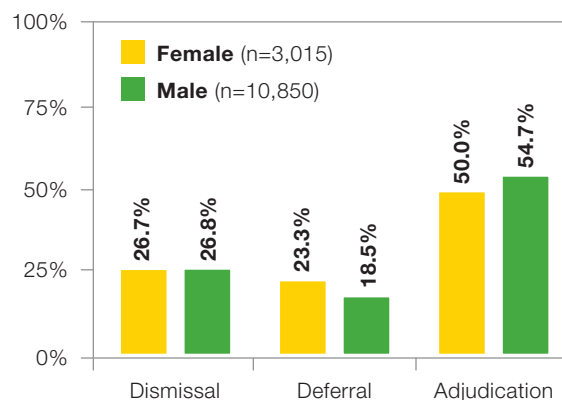
Figure 4.19. Disposition: Colorado juvenile delinquency cases closed in 2008 (N=13,865)



**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- Far fewer juvenile delinquency cases result in adjudication (53.7 percent) than adult cases result in a conviction (71.5 percent). More juveniles are also afforded a deferral than are adults (19.6 percent compared to 12.7 percent). Over a quarter of juvenile delinquency cases are dismissed.

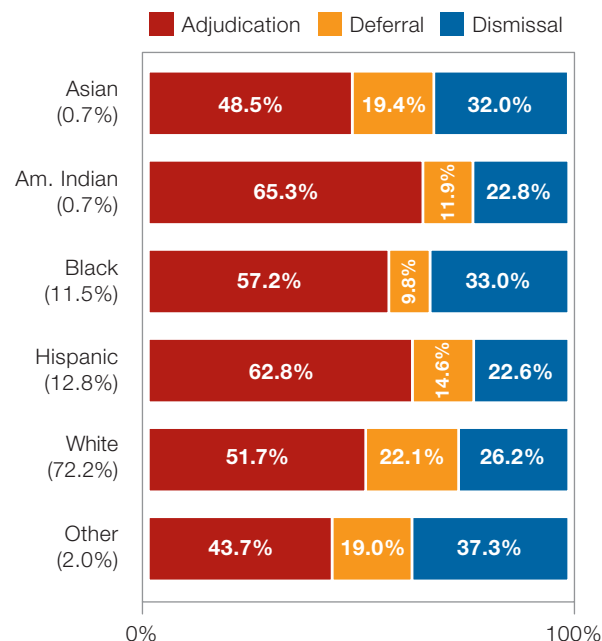
Figure 4.20. Dispositions and gender: Colorado juvenile delinquency cases closed in 2008 (N=13,865)



**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- Males are adjudicated more often than females (54.7 percent versus 50.0 percent).
- Females are granted a deferred judgment more often than male defendants (23.3 percent versus 18.5 percent).

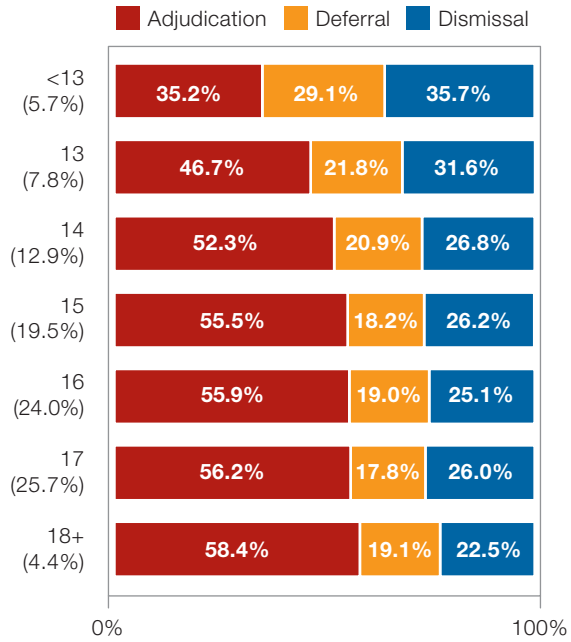
Figure 4.21. Dispositions and ethnicity: Colorado juvenile delinquency cases closed in 2008 (N=13,865)



**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- Prosecutions of American Indian, black and Hispanic juvenile defendants result in an adjudication more often than for juveniles in other ethnic groups.
- Deferred judgments are given to white juveniles more often than to juveniles in any other ethnic group (22.1 percent). Black juveniles received deferred judgments the least (9.8 percent).

Figure 4.22. Dispositions and age: Colorado juvenile delinquency cases closed in 2008 (N=13,865)



**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- The average age of juveniles with an adjudication (15.6 years) was slightly older than the average age of those receiving a deferral or dismissal (both 15.3 years).

Table 4.19. Dispositions and average age: Colorado juvenile delinquency cases closed in 2008 (N=13,865)

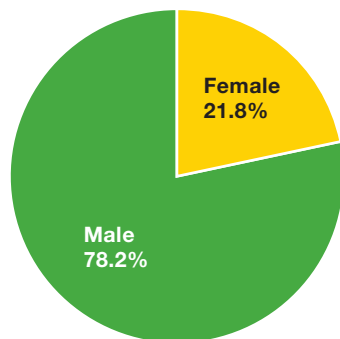
| Disposition  | Mean        | Median      |
|--------------|-------------|-------------|
| Dismissal    | 15.3        | 16.0        |
| Deferral     | 15.3        | 16.0        |
| Adjudication | 15.6        | 16.0        |
| <b>Total</b> | <b>15.4</b> | <b>16.0</b> |

**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

## Who is adjudicated?

According to the Children's Code of the Colorado Revised Statutes (19-1-103), adjudication is the determination by the court that it has been proven that the juvenile has committed a delinquent act or that a juvenile has pled guilty to committing a delinquent act. The following section reports on only those juveniles who were adjudicated or whose adjudication was deferred, a subgroup of the juveniles described in the previous section. Those not included in this section are the juveniles whose cases were dismissed.

Figure 4.23. Gender: Colorado juvenile delinquency adjudications and deferred adjudication in 2008 (N=10,155)



**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- The majority of juveniles adjudicated or with deferred adjudications were male and white (72.7 percent).

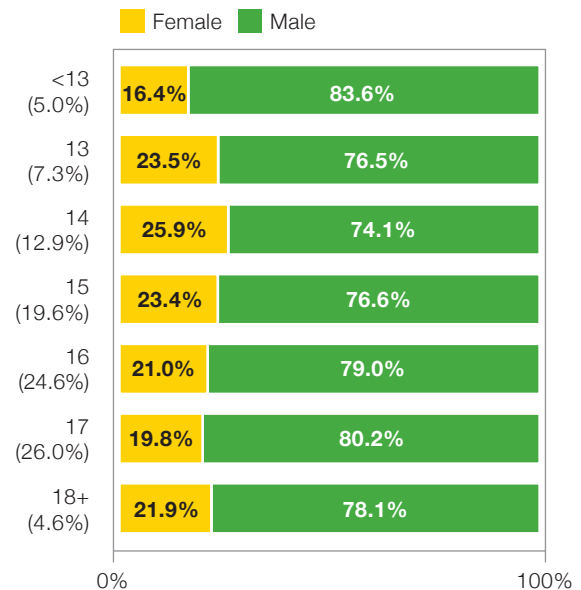
Table 4.20. Race: Colorado juvenile delinquency adjudications and deferred adjudications in 2008 (N=10,155)

| Race            | Frequency     | Percent     |
|-----------------|---------------|-------------|
| Asian           | 70            | 0.7%        |
| American Indian | 1,071         | 0.8%        |
| Black           | 1,374         | 10.5%       |
| Hispanic        | 78            | 13.5%       |
| White           | 175           | 72.7%       |
| Other           | 7,387         | 1.7%        |
| <b>Total</b>    | <b>10,155</b> | <b>100%</b> |

**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- Five percent of juveniles adjudicated were under the age of 13. Over two-thirds (70.2 percent) of juveniles adjudicated were ages 15 through 17.

Figure 4.24. Age and gender: Colorado juvenile delinquency adjudications and deferred adjudications in 2008 (N=10,155)



**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- The average filing age of juveniles adjudicated was about 15.5 years, with a median age of 16. Males who received a deferral were slightly younger on average than females who received a deferral (15.2 vs. 15.3 years) while adjudicated males are slightly older on average than adjudicated females (15.6 vs. 15.5 years).

Table 4.21. Average age at filing of Colorado juvenile delinquency adjudications and deferred adjudications by gender in 2008 (N=10,155)

| Sex                 | Mean        | Median      | N             |
|---------------------|-------------|-------------|---------------|
| <b>Deferral</b>     |             |             |               |
| Male                | 15.2        | 16.0        | 2,011         |
| Female              | 15.3        | 16.0        | 704           |
| <b>Total</b>        | <b>15.3</b> | <b>16.0</b> | <b>2,715</b>  |
| <b>Adjudication</b> |             |             |               |
| Male                | 15.6        | 16.0        | 5,934         |
| Female              | 15.5        | 16.0        | 1,506         |
| <b>Total</b>        | <b>15.6</b> | <b>16.0</b> | <b>7,440</b>  |
| <b>Total</b>        |             |             |               |
| Male                | 15.5        | 16.0        | 7,945         |
| Female              | 15.4        | 16.0        | 2,210         |
| <b>Total</b>        | <b>15.5</b> | <b>16.0</b> | <b>10,155</b> |

**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

## Were they found guilty of their original charges?

The table below depicts the outcomes of juvenile adjudications, including deferred judgments, in 2008. Table 4.22 displays the most serious crime category that a juvenile was originally charged with and whether or not the juvenile was adjudicated for that charge or for a different charge. Table 4.23 displays the same information, separating adjudicated males from adjudicated females.

As shown in Table 4.22, of the 13 adjudicated juveniles charged with homicide, 38.5 percent were adjudicated of homicide. Another 46.2 percent were adjudicated for another violent crime, and 15.4 percent were adjudicated for a non-violent crime. The violent charges examined include homicide, sexual assault, aggravated assault and robbery. Non-violent charges include burglary, theft, motor vehicle theft, arson, and drug offenses.

- Most of the juveniles adjudicated in 2008 were adjudicated of the crime they were originally charged with. Of juveniles charged with violent crimes, 81.3 percent were adjudicated of that violent crime. Of those charged with a non-violent crime, 82.3 percent were adjudicated of the same non-violent crime.

***Among juveniles in 2008, sexual assault was the violent crime most likely to be adjudicated as charged.***

- However, only 5 of the 13 adjudicated juveniles (38.5 percent) who were originally charged with homicide were actually found guilty of homicide.
- Sexual assault was the violent crime most likely (in 78.1 percent of cases) to be adjudicated as charged among juveniles in 2008.
- Overall, females were more likely than males to be adjudicated as charged for both violent crimes and non-violent crimes in general. Those charged with violent crimes were adjudicated as charged in 85.6 percent of cases, and those charged with non-violent crimes were adjudicated as charged in 85.9 percent of cases.
- However, females were less likely than males to be adjudicated as charged for select categories of crimes. These crimes include homicide, sexual assault, robbery, bur-

Table 4.22. Colorado juvenile delinquency adjudications in 2008: Filing and conviction charges

|                          |                     |  | Percent of total convictions |                                |                              |
|--------------------------|---------------------|--|------------------------------|--------------------------------|------------------------------|
| Original charge          | Total N Convictions |  | Convicted As Charged         | Other Violent Crime Conviction | Non-Violent Crime Conviction |
|                          |                     |  |                              |                                |                              |
| Violent charges          |                     |  |                              |                                |                              |
| Homicide                 | 13                  |  | 38.5%                        | 46.2%                          | 15.4%                        |
| Sexual assault           | 360                 |  | 78.1%                        | 21.1%                          | 0.8%                         |
| Robbery                  | 194                 |  | 43.3%                        | 29.4%                          | 27.3%                        |
| Felony assault           | 380                 |  | 52.6%                        | 42.4%                          | 5.0%                         |
| All violent crimes*      | 3,354               |  | 81.3%                        | 11.2%                          | 7.5%                         |
|                          |                     |  |                              |                                |                              |
| Non-violent charges      |                     |  |                              |                                |                              |
| Burglary                 | 1,105               |  | 60.7%                        | 2.5%                           | 36.7%                        |
| Theft                    | 1,366               |  | 90.6%                        | 0.6%                           | 8.8%                         |
| Motor vehicle theft      | 416                 |  | 80.3%                        | 1.4%                           | 18.3%                        |
| Arson                    | 115                 |  | 80.9%                        | 0.0%                           | 19.1%                        |
| Drug                     | 874                 |  | 94.7%                        | 1.0%                           | 4.2%                         |
| All non-violent crimes** | 6,920               |  | 82.3%                        | 2.0%                           | 15.7%                        |

**Notes:** Percentages may not total 100 percent due to rounding. Deferred judgments are considered adjudications for the purposes of this analysis. \*In addition to the violent crimes listed, other violent crimes include sex crimes other than sexual assault, weapons charges, kidnap and simple assault. \*\*In addition to the non-violent crimes listed, other non-violent crimes include extortion, trespass, forgery, fraud, other property crimes, escape, bribery, custody violations, misc. felonies and misc. misdemeanors.

**Source:** Filing data extracted from the Judicial Department's information management system (ICON) via CICJIS/CJASS and analyzed by DCJ's Office of Research and Statistics.

glary, motor vehicle theft and drug offenses. As shown in Table 4.23, only 23.5 percent of female delinquents charged with robbery were adjudicated as charged, and 41.2 percent were adjudicated of another non-violent crime. On the other hand, 45.7 percent of male delin-

quents charged with robbery were also adjudicated of robbery.

- Overall, drug offenders were the most likely to be adjudicated as charged (94.7 percent of cases).

Table 4.23. Colorado juvenile delinquency adjudications in 2008: Filing and conviction charges by gender

|                          |                     |  | Percent of total convictions |                                |                              |
|--------------------------|---------------------|--|------------------------------|--------------------------------|------------------------------|
| Original charge          | Total N Convictions |  | Convicted As Charged         | Other Violent Crime Conviction | Non-Violent Crime Conviction |
|                          |                     |  |                              |                                |                              |
| FEMALES                  |                     |  |                              |                                |                              |
| Violent charges          |                     |  |                              |                                |                              |
| Homicide                 | 4                   |  | 25.0%                        | 50.0%                          | 25.0%                        |
| Sexual assault           | 14                  |  | 71.4%                        | 28.6%                          | 0.0%                         |
| Robbery                  | 17                  |  | 23.5%                        | 35.3%                          | 41.2%                        |
| Felony assault           | 79                  |  | 59.5%                        | 35.4%                          | 5.1%                         |
| All violent crimes*      | 731                 |  | 85.6%                        | 6.4%                           | 7.9%                         |
|                          |                     |  |                              |                                |                              |
| Non-violent charges      |                     |  |                              |                                |                              |
| Burglary                 | 113                 |  | 54.0%                        | 8.0%                           | 38.1%                        |
| Theft                    | 423                 |  | 94.8%                        | 0.5%                           | 4.7%                         |
| Motor vehicle theft      | 89                  |  | 76.4%                        | 2.2%                           | 21.3%                        |
| Arson                    | 16                  |  | 81.3%                        | 0.0%                           | 18.8%                        |
| Drug                     | 179                 |  | 92.7%                        | 0.6%                           | 6.7%                         |
| All non-violent crimes** | 1,484               |  | 85.9%                        | 2.3%                           | 11.8%                        |
|                          |                     |  |                              |                                |                              |
| MALES                    |                     |  |                              |                                |                              |
| Violent charges          |                     |  |                              |                                |                              |
| Homicide                 | 8                   |  | 37.5%                        | 50.0%                          | 12.5%                        |
| Sexual assault           | 344                 |  | 78.2%                        | 20.9%                          | 0.9%                         |
| Robbery                  | 175                 |  | 45.7%                        | 29.1%                          | 25.1%                        |
| Felony assault           | 297                 |  | 50.8%                        | 44.4%                          | 4.7%                         |
| All violent crimes*      | 2,591               |  | 80.0%                        | 12.7%                          | 7.3%                         |
|                          |                     |  |                              |                                |                              |
| Non-violent charges      |                     |  |                              |                                |                              |
| Burglary                 | 983                 |  | 61.4%                        | 1.8%                           | 36.7%                        |
| Theft                    | 931                 |  | 88.8%                        | 0.6%                           | 10.5%                        |
| Motor vehicle theft      | 321                 |  | 81.3%                        | 1.2%                           | 17.4%                        |
| Arson                    | 99                  |  | 80.8%                        | 0.0%                           | 19.2%                        |
| Drug                     | 686                 |  | 95.2%                        | 1.2%                           | 3.6%                         |
| All non-violent crimes** | 5,366               |  | 81.3%                        | 1.9%                           | 16.8%                        |

**Notes:** Percentages may not total 100 percent due to rounding. Deferred judgments are considered adjudications for the purposes of this analysis. \*In addition to the violent crimes listed, other violent crimes include sex crimes other than sexual assault, weapons charges, kidnap and simple assault. \*\*In addition to the non-violent crimes listed, other non-violent crimes include extortion, trespass, forgery, fraud, other property crimes, escape, bribery, custody violations, misc. felonies and misc. misdemeanors.

**Source:** Filing data extracted from the Judicial Department's information management system (ICON) via CICJIS/CJASS and analyzed by DCJ's Office of Research and Statistics.

### Case processing time for juvenile delinquency cases

- On average, 22.2 days elapsed between the commission of an offense and an arrest, while 21.3 days elapsed between the arrest and the filing of a case in juvenile court. Sentencing on that case required an average of 106.3 days.

Table 4.24. Average case processing time for juvenile delinquency cases closed in 2008 (N=14,167)

|                      | Average days |
|----------------------|--------------|
| Offense to arrest    | 22.2         |
| Arrest to filing     | 21.3         |
| Filing to sentencing | 106.3        |

**Source:** Data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- Most often, an offense and an arrest occurred within 30 days of one another (88.3 percent of cases). The arrest and the filing occurred during the same month in 87.2 percent of cases. Sentencing, however, required between 4 to 6 months for 19.8 percent of cases and between 7 and 12 months for another 7.5 percent of cases (see Table 4.25).

Table 4.25. Case processing time for juvenile delinquency cases closed in 2008 (N=14,167)

| Months           | Offense to arrest | Arrest to filing | Filing to sentencing |
|------------------|-------------------|------------------|----------------------|
| Less than 1      | 88.3%             | 87.2%            | 14.9%                |
| Between 1 and 2  | 3.7%              | 4.1%             | 21.7%                |
| Between 2 and 3  | 2.1%              | 2.1%             | 19.5%                |
| Between 3 and 4  | 1.1%              | 1.3%             | 14.4%                |
| Between 4 and 6  | 1.6%              | 2.0%             | 15.8%                |
| Between 7 and 12 | 1.7%              | 2.5%             | 11.0%                |
| More than 12     | 1.5%              | 0.9%             | 2.7%                 |

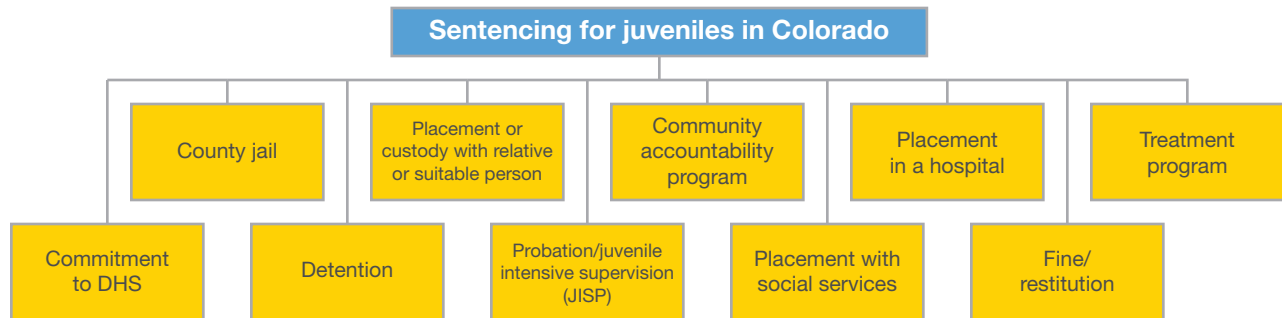
**Source:** Data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

## Juvenile placements

Once a juvenile is adjudicated, the courts may impose any combination of the following sentences: commitment to Department of Human Services Division of Youth Corrections; county jail; detention; placement of custody with a relative or other suitable person; probation; participa-

tion is the community accountability program; placement with social services or in a hospital; a fine; restitution; or a treatment program. Any sentence may also include conditions for the parent/guardian, pursuant to C.R.S. 19-2-919. If the sentence includes school attendance, a notice to the school is required.

Figure 4.25. Juvenile placements



Source: Figure adapted from the March 15, 2005 version by Frank Minkner, Division of Youth Corrections.

### Commitment

The court may commit a juvenile to the Colorado Department of Human Services (DHS) for a determinate period of up to two years if the juvenile is adjudicated for an offense that would constitute a felony or a misdemeanor if committed by an adult. If the juvenile is younger than twelve years of age and is not adjudicated an aggravated juvenile offender, the court may commit the juvenile to the Department of Human Services only if the juvenile is adjudicated for an offense that would constitute a class 1, class 2, or class 3 felony if committed by an adult.

### County jail

The court may sentence a person who is eighteen years of age or older on the date of adjudication to the county jail for a period not to exceed six months or to a community correctional facility for a period not to exceed one year, which may be served consecutively or in intervals.

### Detention

The court may sentence any juvenile adjudicated for an offense that would constitute a class 3, class 4, class 5, or class 6 felony or a misdemeanor if committed by an adult to detention for a period not to exceed forty-five days.

### Custody with a relative or suitable person

The court may place the juvenile in the legal custody of a relative or other suitable person. The court may impose additional conditions like placing the juvenile on probation or under other protective supervision.

### Probation

When a juvenile is sentenced to probation, the court may impose additional conditions. These may include placing the juvenile in the intensive supervision program (JISP), requiring participation in a supervised work program, or a term at the county jail for those juveniles eighteen years of age or older at the time of sentencing. The jail sentence may not exceed ninety days, except when the court orders the juvenile released for school attendance, job training, or employment. In this case, the sentencing may be up to 180 days.

### Juvenile Intensive Supervision Probation (JISP)

This is an intensive case management approach that may include monitoring of school progress, referral for remedial educational assistance, frequent home visits by the supervising officer, electronic monitoring, drug testing, skill building and treatment services.

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**Community accountability program**

*The court may sentence the juvenile to participate in the community accountability program. This sentence is a condition of probation and targets higher risk juveniles who would have otherwise been sentenced to detention, an out-of-home placement, or committed to the Department of Human Services. This sentence depends on the availability of space in the community accountability program and on a determination by the Division of Youth Corrections that the juvenile's participation in the program is appropriate.*

**Placement with social services**

*The court may place legal custody of the juvenile in the county department of social services.*

**Placement in a hospital**

*The court may order that the juvenile be examined or treated by a physician, surgeon, psychiatrist, or psychologist or receive other special care by placing the juvenile in a hospital. Placement in a mental health facility requires that the juvenile receive a mental health*

*hospital placement prescreening resulting in a recommendation that the juvenile be placed in a facility for an evaluation. Placement in any mental health facility may continue as ordered by the court or until a professional person in charge of the juvenile's treatment determines that the treatment or placement is no longer appropriate.*

**Fines**

*The court may impose a fine up to \$300.*

**Restitution**

*Juveniles who receive deferred adjudications or an adjudication, and who have damaged or lost the personal property of a victim, or have caused personal injury to the victim as a result of the delinquent act, will be court ordered to make restitution.*

**Treatment program**

*Juveniles who have been adjudicated for the commission of cruelty to animals may be ordered to complete an anger management treatment program or any other treatment program deemed appropriate by the court*

Source: Colorado Revised Statutes, 2008.

## Colorado sentencing options for juveniles

Table 4.26. Colorado sentencing options for juveniles, C.R.S. 19-2-907

|                                                                                                                                         |                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| <b>(1) The court may enter a decree imposing any or a combination of the following, as appropriate:</b>                                 |                                                                                        |
|                                                                                                                                         | (a) Commitment to the Department of Human Services (19-2-909)                          |
|                                                                                                                                         | (b) County Jail (19-2-910)                                                             |
|                                                                                                                                         | (c) Detention (19-2-911)                                                               |
|                                                                                                                                         | (d) Placement of custody with a relative or suitable person (19-2-912)                 |
|                                                                                                                                         | (e) Probation (19-2-913) (19-2-925 through 19-2-926)                                   |
|                                                                                                                                         | (f) Commitment to the community accountability program (19-2-914)—unfunded option      |
|                                                                                                                                         | (g) Placement with social services (19-2-915)                                          |
|                                                                                                                                         | (h) Placement in hospital (19-2-916)                                                   |
|                                                                                                                                         | (i) Fine (19-2-917)                                                                    |
|                                                                                                                                         | (j) Restitution (19-2-918)                                                             |
|                                                                                                                                         | (k) Anger management treatment or any other appropriate treatment program (19-2-918.5) |
| <b>(2) The judge may sentence the juvenile as a special offender (19-2-908)</b>                                                         |                                                                                        |
|                                                                                                                                         | (a) Mandatory sentence offender                                                        |
|                                                                                                                                         | (b) Repeat juvenile offender                                                           |
|                                                                                                                                         | (c) Violent offender                                                                   |
|                                                                                                                                         | (d) Aggravated juvenile offender                                                       |
| <b>(3) A sentence may include parental conditions (19-2-919)</b>                                                                        |                                                                                        |
| <b>(4) If the sentence includes school attendance, notice to school is required</b>                                                     |                                                                                        |
| <b>(5) If out-of-home placement is ordered the court shall consider criteria of 19-2-212, evaluation of 19-1-107 and 19-1-115(8)(e)</b> |                                                                                        |
| <b>(6) The court may waive payment of all or any portion of the sex offense surcharge (18-21-103)</b>                                   |                                                                                        |
| <b>(7) A mental illness screening may be implemented (16-11.9-102)</b>                                                                  |                                                                                        |

Source: Colorado Revised Statutes (2008).

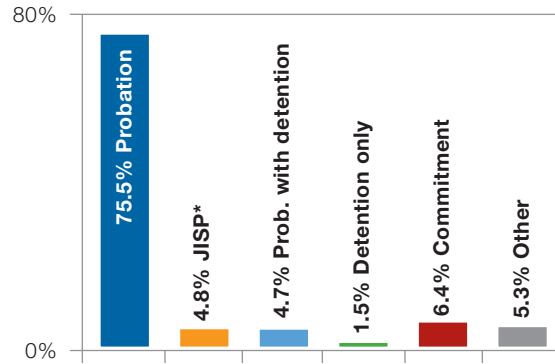
## Where do they go once adjudicated?

The data presented here represent sentences for juveniles adjudicated as delinquent or who received a deferred adjudication in 2008. Sentencing placements are shown by index crimes. The “other” category includes additional sentencing options, such as community service, fines, electronic home monitoring and restitution payments.

- The majority of adjudicated youth received a probation sentence in 2008 (see Figure 4.27).
- Half of the juveniles adjudicated on homicide charges in juvenile court received a probation sentence in 2008, while the other half were committed to the Division of Youth Corrections (DYC).
- In certain circumstances, an individual may have reached the age of 18 by the time a disposition in a juvenile delinquency filing is reached. Such an individual may then receive a sentence including time in jail.

**The majority of adjudicated youth received a probation sentence in 2008.**

Figure 4.26. Placements for 2008 Colorado juvenile delinquency adjudications (N=10,135)



Note: \*Juvenile Intensive Supervision Probation

Source: Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

Table 4.27. Juvenile placements by most serious adjudication crime for 2008 Colorado juvenile delinquency adjudications (N=10,135)

| Adjudication crime  | N      | Probation | JISP* | Jail | Probation & Jail | Prob. with Detention | Detention only | Commitment | Other*** | Total  |
|---------------------|--------|-----------|-------|------|------------------|----------------------|----------------|------------|----------|--------|
| Homicide**          | 4      | 50.0%     | 0.0%  | 0.0% | 0.0%             | 0.0%                 | 0.0%           | 50.0%      | 0.0%     | 100%   |
| Felony assault      | 127    | 55.5%     | 10.7% | 1.8% | 0.0%             | 4.0%                 | 2.3%           | 23.7%      | 2.3%     | 100%   |
| Sexual assault      | 284    | 79.2%     | 4.6%  | 1.1% | 1.4%             | 5.6%                 | 0.0%           | 6.0%       | 2.1%     | 100%   |
| Robbery             | 90     | 50.1%     | 21.1% | 2.2% | 0.0%             | 4.4%                 | 1.1%           | 21.1%      | 0.0%     | 100%   |
| Burglary            | 664    | 69.4%     | 7.1%  | 0.8% | 0.5%             | 4.5%                 | 1.5%           | 9.9%       | 6.3%     | 100%   |
| Theft               | 1,580  | 77.3%     | 4.7%  | 1.4% | 0.3%             | 4.4%                 | 1.8%           | 4.0%       | 6.1%     | 100%   |
| Motor vehicle theft | 388    | 67.2%     | 5.7%  | 1.5% | 0.3%             | 6.2%                 | 2.1%           | 13.4%      | 3.6%     | 100%   |
| Arson               | 97     | 78.4%     | 3.1%  | 0.0% | 0.0%             | 2.1%                 | 1.0%           | 2.1%       | 13.4%    | 100%   |
| Drugs               | 858    | 77.9%     | 4.0%  | 1.2% | 1.0%             | 3.3%                 | 1.4%           | 3.3%       | 7.9%     | 100%   |
| All crimes          | 10,135 | 75.5%     | 4.8%  | 1.3% | 0.5%             | 4.7%                 | 1.5%           | 6.4%       | 5.3%     | 100%   |
| Total N             |        | 7,654     | 483   | 128  | 54               | 472                  | 156            | 648        | 540      | 10,135 |

Note: \*Juvenile Intensive Supervision Probation. \*\*Juveniles charged with homicide and prosecuted as adults in district court are excluded from this table.

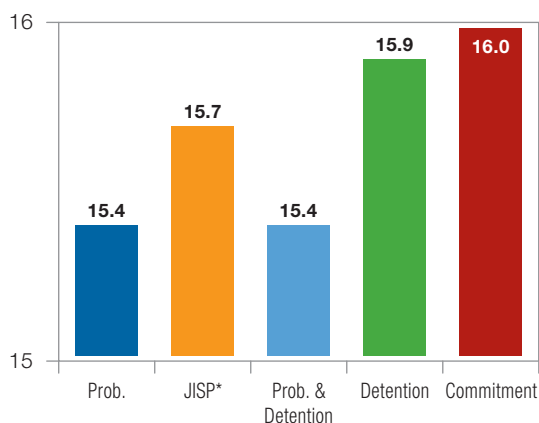
\*\*\*Other sentencing options may include community service, fines, electronic home monitoring and restitution.

Source: Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

## Characteristics of who goes where

Figures 4.27, 4.28, 4.29, and Table 4.28 display demographic information about juveniles adjudicated in Colorado in 2008.

Figure 4.27. Average age and placement: 2008 Colorado juvenile delinquency adjudications (N=10,127)



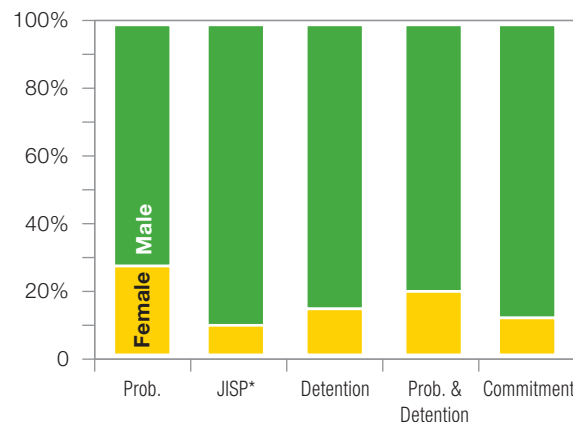
**Note:** \*Juvenile Intensive Supervision Probation.

**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- The average age of adjudicated juveniles varies very little by placement. Those committed to the Division of Youth Corrections (DYC) comprise the oldest age category, at 16.0 years. Those sentenced to regular probation average 15.4 years of age.

- In 2008 adjudicated female juvenile offenders were more likely than males to receive a probation sentence (see Figure 4.28).
- Males were much more likely to receive a residential placement than females.

Figure 4.28. Gender and placement: 2008 Colorado juvenile delinquency adjudications (N=9,319)



**Note:** Other sentencing options are excluded. \*Juvenile Intensive Supervision Probation.

**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- Overall in 2008, Hispanic juvenile offenders were the most likely to receive community sentences than sentences of either long-term or short-term confinement.

Table 4.28. Race, gender, and placement: 2008 Colorado juvenile delinquency adjudications (N=10,039)

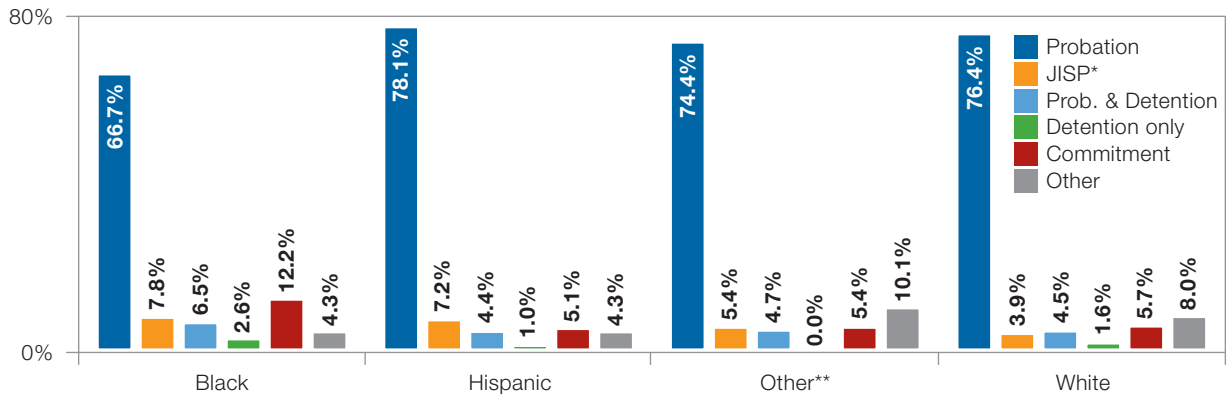
|         |                         | Asian       | Black       | Hispanic    | Native American | Other       | White       | N            |
|---------|-------------------------|-------------|-------------|-------------|-----------------|-------------|-------------|--------------|
| Females | Probation               | 78.6%       | 77.6%       | 91.3%       | 81.0%           | 87.1%       | 81.6%       | 1,805        |
|         | JISP*                   | 0.0%        | 5.5%        | 3.3%        | 0.0%            | 0.0%        | 1.7%        | 49           |
|         | Probation and Detention | 0.0%        | 7.8%        | 1.2%        | 0.0%            | 3.2%        | 4.3%        | 92           |
|         | Detention Only          | 0.0%        | 1.4%        | 0.4%        | 0.0%            | 0.0%        | 1.1%        | 22           |
|         | Commitment              | 0.0%        | 4.6%        | 0.8%        | 4.8%            | 6.5%        | 3.4%        | 72           |
|         | <b>Total</b>            | <b>100%</b> | <b>100%</b> | <b>100%</b> | <b>100%</b>     | <b>100%</b> | <b>100%</b> | <b>2,192</b> |
| Males   | Probation               | 70.9%       | 63.9%       | 75.2%       | 66.7%           | 74.6%       | 74.9%       | 5,779        |
|         | JISP*                   | 5.5%        | 8.4%        | 8.0%        | 12.3%           | 5.2%        | 4.5%        | 429          |
|         | Probation and Detention | 5.5%        | 6.0%        | 5.0%        | 7.0%            | 5.2%        | 4.6%        | 378          |
|         | Detention Only          | 0.0%        | 2.9%        | 1.2%        | 0.0%            | 0.0%        | 1.7%        | 134          |
|         | Commitment              | 5.5%        | 14.2%       | 6.0%        | 7.0%            | 5.2%        | 6.4%        | 559          |
|         | <b>Total</b>            | <b>100%</b> | <b>100%</b> | <b>100%</b> | <b>100%</b>     | <b>100%</b> | <b>100%</b> | <b>7,847</b> |

**Note:** \*Juvenile Intensive Supervision Probation.

**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

- Adjudicated African American juveniles in 2008 were the most likely to receive sentences to both short-term and long-term confinement.
- Black female juveniles were more likely in 2008 to receive sentences to juvenile intensive supervision (JISP) than other adjudicated female juveniles.
- Hispanic males in 2008 were just as likely to be sent to detention as black males, but Hispanic females were much less likely than black females to receive this sentence.

Figure 4.29. Race and placement: 2008 Colorado delinquency adjudications (N=10,014)



**Note:** \*Juvenile Intensive Supervision Probation. \*\*Native American and Asian juveniles are combined with 'Other' for this analysis.

**Source:** Filing data were extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ's Office of Research and Statistics.

## Juvenile probation in Colorado

The Colorado Judicial Branch is responsible for administering adult and juvenile probation to the state's 22 judicial districts. In FY 2010 there were 23 probation departments with over 50 separate probation offices throughout the state.

District court probation officers work within a range of regular and intensive probation programs in which they offer educational programs and refer probationers to treatment and skill-building programs. Regular (non-specialized) probation programs supervise adult and juvenile offenders with less serious criminal records, while the more intensive specialized programs have been designed to address the risk and needs of more serious offenders. Specialized programs

include adult intensive supervision (AISP), juvenile intensive supervision (JISP), the female offender program (FOP), and sex offender intensive supervision for adults (SOISP). These programs offer targeted assessments and case evaluations, offense specific treatment, electronic monitoring, cognitive skills training, educational assessment, and literacy and employment programs. Without these specific probation programs, many higher risk offenders likely would be prison bound.

The number of juvenile offenders sentenced to regular probation in FY 2010 was 4,746 and on June 30, 2010 there were 5,946 juvenile offenders on supervision. In FY 2010, 74 percent of juveniles completed regular state probation successfully. An additional 524 juvenile offenders were sentenced to a specialized program.

Table 4.29. Outcomes: Juvenile probation in Colorado, FY 2010

|                              | Juvenile regular |             | Juvenile intensive supervision (JISP) |             | Total        |             |
|------------------------------|------------------|-------------|---------------------------------------|-------------|--------------|-------------|
|                              | N                | Percent     | N                                     | Percent     | N            | Percent     |
| <b>New clients sentenced</b> |                  |             |                                       |             |              |             |
| FY 2010                      | 4,746            | 90.1%       | 524                                   | 9.9%        | 5,270        | 100%        |
| <b>Caseload</b>              |                  |             |                                       |             |              |             |
| Active as of June 30, 2010   | 5,946            | 92.9%       | 452                                   | 7.1%        | 6,398        | 100%        |
| <b>Terminations</b>          |                  |             |                                       |             |              |             |
| Successful                   | 3,285            | 73.0%       | 217                                   | 45.8%       | 3,502        | 70.4%       |
| Unsuccessful-Revoked         | 989              | 22.0%       | 232                                   | 48.9%       | 1,221        | 24.5%       |
| Unsuccessful-Absconded       | 227              | 5.0%        | 25                                    | 5.3%        | 252          | 5.1%        |
| <b>Total</b>                 | <b>4,501</b>     | <b>100%</b> | <b>474</b>                            | <b>100%</b> | <b>4,975</b> | <b>100%</b> |
| <b>Types of revocation</b>   |                  |             |                                       |             |              |             |
| New felony*                  | 135              | 13.7%       | 44                                    | 19.0%       | 179          | 14.7%       |
| New misdemeanor**            | 183              | 18.5%       | 48                                    | 20.7%       | 231          | 18.9%       |
| Technical***                 | 671              | 67.8%       | 140                                   | 60.3%       | 811          | 66.4%       |
| <b>Total</b>                 | <b>989</b>       | <b>100%</b> | <b>232</b>                            | <b>100%</b> | <b>1,221</b> | <b>100%</b> |
| <b>Length of stay</b>        |                  |             |                                       |             |              |             |
| 0-3 months                   | 350              | 7.7%        |                                       |             |              |             |
| 4-6 months                   | 612              | 13.5%       |                                       |             |              |             |
| 7-12 months                  | 1,444            | 31.9%       |                                       |             |              |             |
| 13-18 months                 | 871              | 19.2%       |                                       |             |              |             |
| 19-24 months                 | 575              | 12.7%       |                                       |             |              |             |
| 25+ months                   | 675              | 14.9%       |                                       |             |              |             |
| <b>Total</b>                 | <b>4,527</b>     | <b>100%</b> |                                       |             |              |             |

**Notes:** \*New felony: Included revocations for a new felony offense committed while on probation. \*\*New misdemeanor: Includes revocations for a new misdemeanor offense committed while on probation. \*\*\*Technical: Includes revocations for technical probation supervision violations (i.e. drug use, non-compliance).

**Source:** Colorado Judicial Branch. (2010). *Annual statistical report fiscal year 2010*. Denver, CO: Supreme Court of Colorado. Available at <http://www.courts.state.co.us/Administration/Custom.cfm/Unit/annrep>.

### Intensive specialized program

#### Juvenile Intensive Supervision Probation (JISP)

This program was implemented in 1991 as a community sentencing option for high-risk juvenile offenders. JISP is an intensive case management approach that includes monitoring of school progress, referral for remedial educational assistance, frequent home visits by the supervising officer, electronic monitoring, drug testing, skill building and treatment services, as required. There

are 26.75 JISP officers and a maximum of 18 offenders are assigned to each JISP officer. In FY 2010 there were 524 juveniles sentenced to JISP and on June 30, 2010 there were 452 on JISP. In FY 2009, 46 percent of the JISP participants successfully completed the program. These youth might have otherwise been sentenced to the Division of Youth Corrections.

**Source:** Adapted from information provided in the FY 2010 Judicial report. Colorado Judicial Branch. (2010). *Annual statistical report fiscal year 2010*. Denver, CO: Supreme Court of Colorado. Available at <http://www.courts.state.co.us/Administration/Custom.cfm/Unit/annrep>.

## Colorado Division of Youth Corrections (DYC)

The mission of the Division of Youth Corrections in the Department of Human Services is to protect, restore, and improve public safety through a continuum of services and programs that accomplish the following:

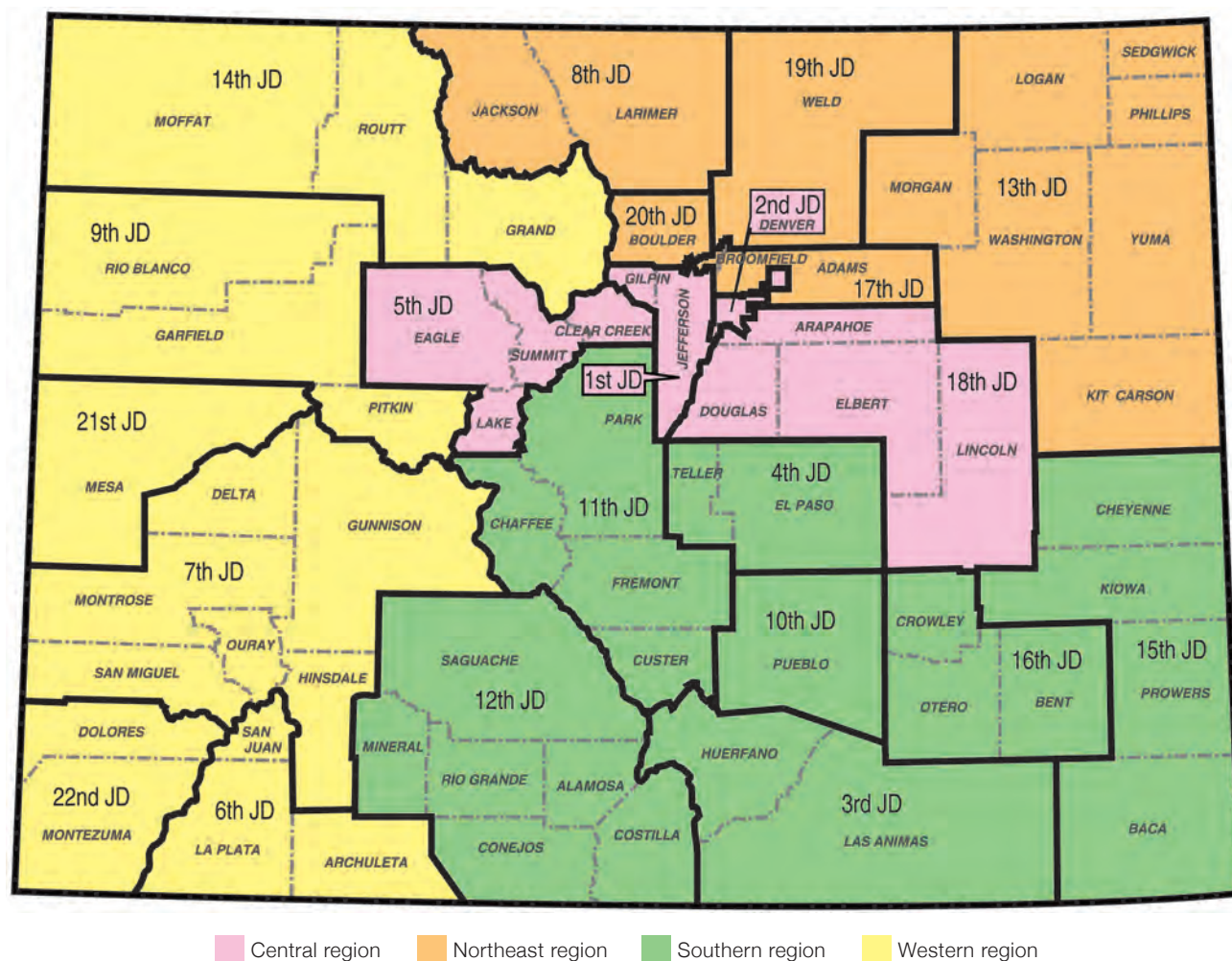
- Effectively supervise juvenile offenders,
- Promote offender accountability to victims and communities, and
- Build skills and competencies of youth to become responsible citizens.

The Division of Youth Corrections is responsible for management of residential facilities and community alternative programs that serve and treat youth aged 10-21 years

who have demonstrated delinquent behavior throughout Colorado. Colorado's 22 judicial districts have been divided up into four regions or catchment areas: Central, Northeast, Southern, and Western. The Division serves over 8,000 youth per year throughout Colorado in intensive secure units, medium care units, secure detention, staff secure facilities and non-secure community residential programs (see sidebar on page 127 for more information about the DYC facilities).

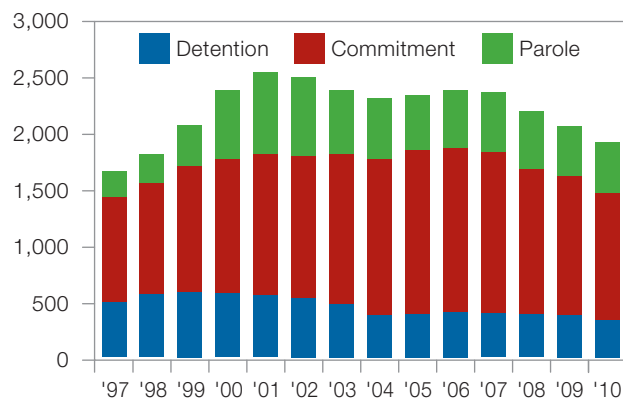
DYC also provides assessment services for committed youth at four state facilities, and non-residential services to youth in community settings, or on parole. They are also responsible for distributing funds to each of the judicial districts in accordance with Senate Bill 91-94. The goal of SB 91-94 programs is to develop local alternatives to incarceration as a means of reducing costly residential placement. SB 91-94 programs serve approximately 12,000 youth per year.

Figure 4.30. Management regions of the Colorado Division of Youth Correction



**Source:** Division of Youth Corrections. (2011). *Fiscal year 2009-2010 management reference manual*. Denver, CO: Colorado Department of Human Services. Available at [http://www.cdhs.state.co.us/dyc/PDFs/MRM0910\\_FINAL.pdf](http://www.cdhs.state.co.us/dyc/PDFs/MRM0910_FINAL.pdf).

Figure 4.31. DYC average daily population by placement, FY 1997-FY 2010



**Source:** Division of Youth Corrections. (1997-2011). *Management reference manuals*. Denver, CO: Colorado Department of Human Services. Available at <http://www.cdhs.state.co.us/dyc/Research.htm>.

**The average daily DYC population as of June 2010 was 1,981.5 youth. This figure includes all youth served in detention, commitment, and parole. This is four percent less than the population in June 2009, which was 2,064.6.**

**Source:** Division of Youth Corrections. (2011). *Fiscal year 2009-2010 management reference manual*. Denver, CO: Colorado Department of Human Services. Available at <http://www.cdhs.state.co.us/dyc/Research.htm>.

## Detention

Detention is the custodial status of youth who are being confined or supervised after arrest or while awaiting the completion of judicial proceedings. Detained youth are served in secure state-operated or staff-secure (privately operated) facilities. Some detained youth are served in non-residential, community-based supervision programs.

- FY 2010 was the sixth year of operation under the legislatively-mandated detention cap (see sidebar, next page). This cap limits the maximum statewide average daily detention population (ADP) to 479.
- Detention ADP is much lower than it had been before the capping legislation. On average the state was operating at a maximum daily count of 385 youth during FY 2010.
- At 363.1, the detention ADP is 8.9 percent less than it was at the end of the prior fiscal year.

- The highest ADP observed was 602.4 in FY 1999 (see Figure 4.31).
- In FY 2010, the average length of stay (LOS) for a youth in detention increased slightly to 14.2 days, an increase of 2.2 percent from the LOS observed during the prior year.
- New detention admissions for FY 2010 also decreased by 11.6 percent, making it a 22 year low.
- 5,765 individuals were in detention during FY 2010.
- In FY 2010, 78.9 percent of new detention admissions were male and 21.1 percent were female.
- The average age at admission was 16.1 years. Almost eighty-one percent of new admissions to detention were between the ages of 15 and 17.

Table 4.30. Demographic information: Juvenile detention, FY 2010

|                          | New admits |         | ADP   | LOS (days) |
|--------------------------|------------|---------|-------|------------|
|                          | N          | Percent |       |            |
|                          |            |         |       |            |
| Gender                   |            |         |       |            |
| Male                     | 7,177      | 78.9%   | 301.5 | 14.9       |
| Female                   | 1,925      | 21.1%   | 61.6  | 11.5       |
| Total                    | 9,102      | 100%    | 363.1 | 14.2       |
|                          |            |         |       |            |
| Ethnicity                |            |         |       |            |
| Anglo-American           | 3,824      | 42.0%   | 140.9 | 13.2       |
| African-American         | 1,373      | 15.1%   | 66.3  | 17.4       |
| Hispanic/Latino          | 3,550      | 39.0%   | 142.1 | 13.9       |
| Native American          | 121        | 1.3%    | 5.7   | 17.2       |
| Asian-American           | 91         | 1.0%    | 3.3   | 12.7       |
| Other                    | 143        | 1.6%    | 4.8   | 12.0       |
|                          |            |         |       |            |
| Age                      |            |         |       |            |
| Average age at admission | 16.1       |         |       |            |
|                          |            |         |       |            |
| Prior admissions         |            |         |       |            |
| None                     | 3,269      | 35.9%   | 95.6  | 10.4       |
| One                      | 1,849      | 20.3%   | 68.9  | 13.4       |
| Two or more              | 3,984      | 43.8%   | 198.6 | 17.6       |
|                          |            |         |       |            |
| Program type             |            |         |       |            |
| State operated           | 8,650      | 95.0%   | 346.5 | 14.2       |
| Privately operated       | 452        | 5.0%    | 16.6  | 13.1       |

**Note:** ADP is average daily population; LOS is length of stay.

**Source:** Division of Youth Corrections. (2011). *Fiscal year 2009-2010 management reference manual*. Denver, CO: Colorado Department of Human Services. Available at <http://www.cdhs.state.co.us/dyc/Research.htm>.

## Commitment

Commitments are dispositions of juvenile cases resulting in the transfer of legal custody to the Department of Human Services (DHS) as a result of an adjudicatory finding on charges of delinquent acts committed by the youth.

- To reduce the size of the committed population, in 2006, the Division of Youth Corrections embarked upon the Continuum of Care (CofC) Initiative during FY 2006. CofC focuses on youth transitioning from residential placements into the community.
- The success of the CofC Initiative is reflected in the decline in the commitment ADP each year since implementation. ADP decreased from 1,229.2 youth in FY 2009 to 1,171.6 youth in FY 2010, a 4.7 percent decrease.
- The number of new commitments dropped by 2.2 percent, the lowest number of new commitment in 14 years.
- The average length of stay (LOS) in a residential commitment placement was 18.9 months in FY 2010. This is a 0.5 percent decrease from the prior year's LOS.
- The percentage of female new commitments decreased from 13.8 percent in FY 2009 to 12.4 percent in FY 2010.
- The average age at commitment for FY 2010 was 16.7 years.
- Thirty-one percent of newly committed youth received mandatory sentences. Those receiving mandatory sentences include repeat offenders, violent offenders and aggravated offenders. Repeat offenders accounted for almost six percent of new commitments in FY 2010.
- The average age at first adjudication was 14.6 years for both males and females.
- Sixty-five percent of committed youth had one or more prior out-of-home placements. This is a three percent decrease from FY 2009.

***Senate Bill 03-286 established a 'capitation' or limit of 479 on the number of State funded detention beds. This legislation was implemented on October 1, 2003, mandating that the detention population can never exceed 479. Each of the State's 22 judicial districts has been allocated a portion of the 479 beds. Districts may borrow beds within an established catchment area. Statutes mandate that districts have procedures in place for emergency release of detained youth in the event that a district is unable to borrow a bed.***

***Prior to the capacity limit, local jurisdictions were given substantial discretion regarding which youth could be admitted into detention. While local jurisdictions still have this level of discretion, it must be balanced with a finite number of allocated beds.***

***Detention has now experienced a marked reduction in use, particularly in the admission of truants, status offenders, and other less serious offenders.***

**Source:** Division of Youth Corrections. (2007). *Fiscal year 2005-2006 management reference manual*. Denver, CO: Colorado Department of Human Services. Available at [http://www.cdhs.state.co.us/dyc/PDFs/MRM0506\\_FINAL.pdf](http://www.cdhs.state.co.us/dyc/PDFs/MRM0506_FINAL.pdf).

Table 4.31. Demographic information: Juvenile commitments, FY 2010

|                                                    | New commits |             |
|----------------------------------------------------|-------------|-------------|
|                                                    | N           | Percent     |
| <b>Gender</b>                                      |             |             |
| Male                                               | 651         | 87.6%       |
| Female                                             | 92          | 12.4%       |
| <b>Total</b>                                       | <b>743</b>  | <b>100%</b> |
| <b>Ethnicity</b>                                   |             |             |
| Anglo-American                                     | 322         | 43.3%       |
| African-American                                   | 138         | 18.6%       |
| Hispanic/Latino                                    | 269         | 36.2%       |
| Native American                                    | 10          | 1.3%        |
| Asian-American                                     | 2           | 0.3%        |
| Other                                              | 2           | 0.3%        |
| <b>Age</b>                                         |             |             |
| Average age at commitment                          | 16.7        |             |
| <b>Commitments per 10,000 juveniles</b>            |             |             |
| Commitments per 10,000 juveniles                   | 13.8        |             |
| <b>Prior adjudications</b>                         |             |             |
| None                                               | 209         | 28.1%       |
| One                                                | 207         | 27.9%       |
| Two or more                                        | 327         | 44.0%       |
| <b>Prior out-of-home placements</b>                |             |             |
| None                                               | 261         | 35.2%       |
| One                                                | 198         | 26.6%       |
| Two or more                                        | 284         | 38.2%       |
| <b>Runaway history*</b>                            |             |             |
| Non runaway history                                | 258         | 34.7%       |
| Runaway history                                    | 485         | 65.3%       |
| <b>Assessed substance abuse counseling needs**</b> |             |             |
| Prevention                                         | 100         | 13.5%       |
| Intervention                                       | 146         | 19.7%       |
| Treatment                                          | 497         | 66.9%       |

|                                          | New commits |         |
|------------------------------------------|-------------|---------|
|                                          | N           | Percent |
| High-moderate to severe                  | 143         | 19.2%   |
| Low moderate/none to slight              | 600         | 80.8%   |
| <b>Average age at first adjudication</b> |             |         |
| Males                                    | 14.6        |         |
| Females                                  | 14.6        |         |
| <b>Offense type</b>                      |             |         |
| Person felony                            | 170         | 22.9%   |
| Person misdemeanor                       | 163         | 21.9%   |
| Property felony                          | 208         | 28.0%   |
| Property misdemeanor                     | 92          | 12.4%   |
| Drug felony                              | 45          | 6.1%    |
| Drug misdemeanor                         | 1           | 0.1%    |
| Weapons felony                           | 5           | 0.7%    |
| Weapons misdemeanor                      | 11          | 1.5%    |
| Other****                                | 48          | 6.5%    |
| <b>Sentence type</b>                     |             |         |
| Non-mandatory                            | 516         | 69.4%   |
| Mandatory                                | 166         | 22.3%   |
| Repeat                                   | 42          | 5.7%    |
| Violent                                  | 11          | 1.5%    |
| Aggravated juvenile                      | 8           | 1.1%    |

**Notes:** \*Refers to running away from a secure or nonsecure placement as well as from home during the 12 months prior to commitment. \*\*Substance abuse history and treatment needs are assessed within one month of commitment. Youth with minimal substance abuse history and/or treatment needs are identified for prevention services whereas those reporting the greatest history of abuse and treatment needs are targeted for substance abuse treatment services. \*\*\*The Colorado Client Assessment Record (CCAR) is used to assess mental health needs within one month of commitment. Percentages are based on total new commitment CCARs given and do not include missing data. \*\*\*\*Other offense type includes other types of felony, misdemeanor, and petty offenses.

**Source:** Division of Youth Corrections. (2011). *Fiscal year 2009-2010 management reference manual*. Denver, CO: Colorado Department of Human Services. Available at <http://www.cdhs.state.co.us/dyc/Research.htm>.

## Parole

Parole is the status of an offender conditionally released from a residential setting at the discretion of the Juvenile Parole Board. In Colorado, juvenile offenders have a mandatory minimum parole length of six months. While on parole a youth is under the supervision of a parole officer and is required to observe conditions of release set by the parole officer and the Juvenile Parole Board.<sup>6</sup>

- The average parole daily caseload (ADC) increased 2.4 percent from 436.6 at the end of FY 2009 to 446.9 for FY 2010.

Table 4.32. Juvenile parole, FY 2010

|                    | Parole |         | LOS<br>(months) |
|--------------------|--------|---------|-----------------|
|                    | ADP    | Percent |                 |
| DYC region         |        |         |                 |
| Central            | 191.0  | 42.8%   | 6.7             |
| Northeast          | 124.1  | 27.8%   | 7.0             |
| Southern           | 85.9   | 19.2%   | 6.7             |
| Western            | 45.9   | 10.3%   | 6.1             |
| Total              | 446.9  | 100%    | 6.7             |
| Gender             |        |         |                 |
| Male               | 393.1  | 88.0%   | 6.9             |
| Female             | 53.9   | 12.1%   | 6.0             |
| Ethnicity          |        |         |                 |
| Anglo-American     | 191.0  | 42.7%   | 6.6             |
| African-American   | 74.4   | 16.7%   | 6.8             |
| Hispanic/Latino    | 169.0  | 37.8%   | 6.8             |
| Native American    | 7.9    | 1.8%    | 7.4             |
| Asian-American     | 3.2    | 0.7%    | 5.4             |
| Other              | 1.4    | 0.3%    | 9.3             |
| Age                |        |         |                 |
| 13 years           | 0.0    | 0.0%    | 0.0             |
| 14 years           | 0.8    | 0.2%    | 14.5            |
| 15 years           | 6.5    | 1.5%    | 9.4             |
| 16 years           | 27.5   | 6.2%    | 8.5             |
| 17 years           | 66.0   | 14.8%   | 6.8             |
| 18 years           | 120.8  | 27.0%   | 6.3             |
| 19 years and older | 225.3  | 50.4%   | 6.6             |

**Note:** \*LOS for each age category corresponds to age at the time of parole. ADP figures are based on the youth's age on the last day of the fiscal year.

**Source:** Division of Youth Corrections. (2011). *Fiscal year 2009-2010 management reference manual*. Denver, CO: Colorado Department of Human Services. Available at <http://www.cdhs.state.co.us/dyc/Research.htm>.

- Senate Bill 03-284 shortened the mandatory parole length from nine to six months. The average length of stay (LOS) on parole declined from 7.1 months in FY 2005 to 6.8 months in FY 2007. Parole LOS was 6.7 months in FY 2010.
- Seventy-five percent of youth were discharged from parole into their homes (including foster homes, step parents, spouses, single parents, etc.) during FY 2010. Fourteen percent discharged directly into adult jail or prison.

Table 4.33. DYC discharges, FY 2010

|                                       | Discharged youth |             |
|---------------------------------------|------------------|-------------|
|                                       | N                | Percent     |
| <b>Discharge placement</b>            |                  |             |
| Adult jail/Corrections                | 112              | 13.6%       |
| Home*                                 | 616              | 74.8%       |
| Group living                          | 18               | 2.2%        |
| Other placement                       | 54               | 6.6%        |
| Escape                                | 4                | 0.5%        |
| Data not available                    | 19               | 2.3%        |
| <b>Total</b>                          | <b>823</b>       | <b>100%</b> |
| <b>Job/school status at discharge</b> |                  |             |
| Employed only                         | 193              | 23.5%       |
| Enrolled in school only               | 153              | 18.6%       |
| Employed and enrolled in school       | 196              | 23.8%       |
| Unemployed and unerolled              | 266              | 32.3%       |
| Data not available                    | 15               | 1.8%        |
| <b>Parole adjustment at discharge</b> |                  |             |
| Satisfactory to excellent             | 473              | 57.5%       |
| Poor to unsatisfactory                | 278              | 33.8%       |
| Not on parole at time of discharge    | 50               | 6.1%        |
| Data not available                    | 22               | 2.7%        |

**Note:** \*Home category includes parent(s), guardian, adoptive family, foster family, relative, spouse, friend, and independent living.

**Source:** Division of Youth Corrections. (2011). *Fiscal year 2009-2010 management reference manual*. Denver, CO: Colorado Department of Human Services. Available at <http://www.cdhs.state.co.us/dyc/Research.htm>.

<sup>6</sup> Division of Youth Corrections. (2011). *Fiscal year 2009-2010 management reference manual*. Denver, CO: Colorado Department of Human Services. Available at <http://www.cdhs.state.co.us/dyc/Research.htm>.

## Department of Youth Corrections (DYC) facilities

### Detention

**State operated facilities** are administered by DYC employees in DYC owned, secure facilities.

- Adams YSC
- Gilliam YSC
- Grand Mesa YSC
- Marvin W. Foote YSC
- Mount View YSC
- Platte Valley YSC
- Pueblo YSC
- Spring Creek YSC

**Staff secure/private operated facilities** are administered by contract service providers in DYC owned or privately owned facilities.

- Brown Center
- Midway Remington
- Robert DeNeir
- Youthtrack Alamosa (SLV)

### Commitment

Commitment facilities are where youth reside after disposition of juvenile cases resulting in the transfer of legal custody to the Department of Human Services by the court following an adjudicatory hearing on charges of delinquent acts committed by the youth.

**State-secure facilities** are administered by DYC employees in DYC owned secure facilities.

- Grand Mesa YSC
- Lookout Mountain YSC
- Marvin W. Foote YSC
- Mount View YSC
- Platte Valley YSC
- Sol Vista YSC
- Spring Creek YSC
- Zebulon Pike YSC

**Contract-secure facilities** are administered by contract service providers in DYC owned, secure facilities.

- Betty K. Marler Center
- Robert Denier YSC

**Staff supervised facilities** are privately owned and operated, staff-supervised facilities providing 24-hour line of sight supervision of youth.

- Alternative Homes for Youth
- Brown Center
- Childrens Ark
- Deveraux Cleo Wallace
- Gateway Residential
- Griffith Centers for Children
- Hand Up Homes for Youth-West
- Hilltop/Residential Youth Services
- Jefferson Hills
- Jefferson Hills Aurora

- Mountain Star Center
- Ridgeview YSC
- Southern Peaks
- Third Way Center-Lowry
- Youth Villages Dogwood

**Community-based programs** are provided by private vendors to youth presenting the lowest risk of re-offending and youth transitioning from more secure programs.

- Ariel Clinical Services
- Boulder Community Treatment Center
- Community Corrections and Work Release
- Crisis Connection Program
- Dale House Project
- Daybreak Princeton Girls Home
- DAYS
- Gateway
- Griffith Centers for Children Inc.
- Job Corps
- Kidz Ark Sterling
- Larimer County Community Corrections
- Longmont Community Treatment Center
- Lost and Found-Arvada
- Lost and Found-Morrison
- Mesa County Community Corrections
- Mt. Evans Qualifying House
- Reflections for Youth (RFY) Grismore
- Reflections for Youth (RFY) Prairie View
- Right of Passage Canyon State Academy
- Southwest Colorado Community Corrections
- Summit Treatment Service
- Synergy
- Third Way Center
- Third Way Center-Pontiac
- Third Way Center-York
- Third Way Center-Lincoln
- Turning Point Center-Youth and Family
- Turning Point-Mathews St.
- Youthtrack San Luis Valley
- Youthtrack Work and Learn
- Youth Ventures

**Source:** Division of Youth Corrections. (2011). *Fiscal year 2009-2010 management reference manual*. Denver, CO: Colorado Department of Human Services. Available at <http://www.cdhs.state.co.us/dyc/Research.htm>.

## DYC's Continuum of Care initiative<sup>7</sup>

The Division of Youth Corrections was authorized in 2006 by the General Assembly to deploy funds in ways that would optimize services to meet the rehabilitation needs of juvenile offenders. This provided DYC enhanced flexibility in treating and transitioning youth from residential to non-residential settings. The legislative footnote authorizing the flexible use of funding states the following:

“It is the intent of the General Assembly that up to 10 percent of the General Fund appropriation to this line may be used to provide treatment, transition, and wrap-around services to youths in the Division of Youth Correction’s system in residential and non-residential settings.”

DYC named this effort the Continuum of Care Initiative, and it is organized around the following empirically-based principles of effective practice:

- **Risk principle:** Target intensive services on higher risk youth.
- **Need principle:** Treat risk factors associated with offending behavior.
- **Treatment principle:** Employ evidence-based treatment approaches as available.
- **Responsivity principle:** Use individualized case management to tailor treatments to meet special needs.
- **Quality assurance principle:** Monitor implementation quality and treatment fidelity.

Central to the Continuum of Care Initiative has been the implementation of a state-of-the-art, evidence-based risk assessment instrument. To ensure accurate and targeted information to support individualized case planning, the Division modified the Washington State Juvenile Risk Assessment and renamed it the Colorado Juvenile Risk Assessment (CJRA). The CJRA will provide case managers with assessment information regarding the specific criminogenic risks and needs relating to each youth’s offending behavior. This information is used to match youth to programs that most directly target problems leading the youth to criminal behavior. Training for the case managers prioritizes matching youth to appropriate supervision and treatment services.

Full scale implementation took place during the last two months of FY 2006. An independent consulting group was

***Findings indicate that the Initiative is successful in addressing and reducing criminogenic needs while increasing protective factors. The national research base is clear in drawing the direct link between reduced risk factors, increased protective factors, and reductions in delinquent behavior and re-offense.***

retained to conduct an evaluation of this effort. As of the end of FY 2009, their findings included:<sup>8</sup>

- During FY 2009, 1,715 youth received services under the Continuum of Care Initiative. More than half (52 percent) of the youth in residential placement, and 83 percent of paroled youth received services paid through the Continuum of Care.
- Continuum of Care expenditures during FY 2009 totaled over \$15.2 million, compared to approximately \$14.4 million in FY 2008.
- The majority of expenditures (84 percent) were for treatment services. The balance of the expenditures were allocated for youth supervision and support services.
- Continuum of Care youth showed significant improvement across seven out of eight dynamic risk domains of the CJRA.
- Youth served by the Continuum of Care had a shorter length of stay (LOS) compared to that of a comparison cohort. The comparison cohort had a residential LOS of 20.1 months, while the LOS for FY 2008 discharges was 18.1 months, followed by 19.0 months for FY 2009 and 18.9 months for FY 2010 discharges.
- During the first year of the Continuum of Care initiative, for the first time in 14 years, the commitment ADP (average daily population) declined slightly. This decrease was even more pronounced during FY 2008, and has continued through FY 2010.
- A significantly lower proportion of the youth served under the Initiative in FY 2008 and FY 2009 were recommitted to DYC prior to discharge than youth in a the FY 2005 comparison cohort.
- Pre-release recidivism rates for the Continuum of Care youth discharged in FY 2007 and in FY 2008 were significantly lower than those of the comparison cohort. Post-release recidivism rates are not yet available.

<sup>7</sup> TriWest Group. (2006). *Continuum of care initiative baseline report fiscal year 2005-06 and July-August 2006*. Colorado Department of Human Services, Office of Youth and Family Services, Division of Youth Corrections. Boulder, CO: TriWest Group.

<sup>8</sup> TriWest. (2009). *Continuum of care initiative evaluation report: FY2008-2009*. Colorado Department of Human Services, Office of Youth and Family Services, Division of Youth Corrections. Boulder, CO: TriWest Group.

## Aftercare and reentry of juvenile offenders: What works?

Aftercare programs are intended to prepare juvenile offenders to successfully return to their communities after serving a period of secure confinement in a training school, juvenile correctional facility, or other secure institution. Rand Corporation researchers demonstrated that any gains made by juvenile offenders in correctional facilities quickly evaporate following release because youth are often released back to disorganized environments where it is easy to slip back into the old habits that resulted in arrest in the first place (Deschenes and Greenwood, 1998).

To better prepare youths for their return to the community, successful interventions should focus on individual-level change. A comprehensive aftercare model should integrate information learned from two distinct fields of criminological research – intervention research and community restraint research. Intervention strategies *focus on changing individual behavior* and thereby preventing further delinquency. Community restraint, on the other hand, refers to the amount of surveillance and control over offenders while they are enrolled in the intervention strategies. Specific examples of community restraint are activities such as contact with supervising officers, drug testing for use of illegal substances, electronic monitoring, employment or school verification, intensive supervision, house arrest and residence halfway houses.

The combination of *cognitive therapy and behavioral therapy* has proven highly beneficial and it can be applied in many aftercare settings. It is the most evidence-based form of psychotherapy. The distinctive features of Cognitive-Behavioral Therapy (CBT) are as follows:

- It is active, problem focused, and goal directed. In contrast to many “talk therapies,” CBT emphasizes the present, concentrating on what the problem is and what steps are needed to alleviate it.
- It is easy to measure. Since the effects of the therapy are concrete (i.e., changing behaviors) the outcomes tend to be quite measurable.
- It provides quick results. If the person is motivated to change, progress can occur rapidly.

Studies provide consistent empirical evidence that CBT is associated with significant and clinically meaningful positive changes, particularly when therapy is provided by experienced practitioners.<sup>9</sup> CBT has been successfully applied across settings (schools, support groups, prisons, treatment agencies, community-based organizations, churches) and

across ages and roles (students, parents, teachers). It has been shown to be relevant to people with differing abilities and from a diverse range of backgrounds.

**Sources:** Deschenes, E.P., & Greenwood, P.W. (1998). Alternative placements for juvenile offenders: Results from the evaluation of the Nokomis Challenge Program. *Journal of Research in Crime and Delinquency*, 35, 267–294. University of Colorado at Boulder. (1998). *Blueprints for violence prevention*. Boulder, CO: Institute of Behavioral Science, Office of Juvenile Justice and Delinquency Prevention.

### The Model Program Guide

*The Office of Juvenile Justice and Delinquency Prevention’s Model Programs Guide (MPG) is designed to assist practitioners and communities in implementing evidence-based prevention and intervention programs that can make a difference in the lives of children and communities. The MPG database of evidence-based programs covers the entire continuum of youth services from prevention through sanctions to reentry. The MPG can be used to assist juvenile justice practitioners, administrators, and researchers to enhance accountability, ensure public safety, and reduce recidivism. The MPG is an easy-to-use tool that offers a database of scientifically-proven programs that address a range of issues in the youth services field, including substance abuse, mental health, and education programs.*

*The Guide currently profiles more than 175 programs. The MPG database of programs covers the entire continuum of youth services with programs organized into five categories:*

- *Prevention programs geared toward at-risk youth including truancy prevention, gang prevention substance abuse education and mentoring.*
- *Immediate sanctions programs, such as community service, restitution, restorative justice and wraparound services.*
- *Intermediate sanctions programs ranging from community-based corrections to drug courts and alternative schools.*
- *Residential care programs for chronic juvenile offenders who require incarceration.*
- *Reentry programs that prepare juveniles for reentry into the community after residential placement or detention.*

*In an effort to address disproportionate minority contact (DMC) issues, The OJJDP has recently added the DMC Reduction Best Practices Database to MPG. The new database is designed to assist jurisdictions in the development of effective initiatives regarding DMC.*

For further information, go to <http://www2.dsgonline.com/mpg/>.

<sup>9</sup> Waldron, H.B., & Kaminer, Y. (2004). On the learning curve: The emerging evidence supporting cognitive-behavioral therapies for adolescent substance abuse. *Society for the Study of Addiction*, 99, 93-105.

## Juvenile commitment population and parole caseload forecasts

The Division of Criminal Justice (DCJ), Office of Research and Statistics (ORS) is mandated to provide projections of the NYC commitment and parole populations every December, with an interim update provided each summer.

The Continuum of Care Initiative, described previously, allows NYC to apply a portion of funds appropriated for residential placements to the provision of community-based treatment, transition and wraparound services to committed youth and youth on parole. Growth in the average daily population (ADP) of juveniles committed to NYC has reversed over the past three fiscal years, after a decade of consistent expansion. This reversal coincides with the implementation of the Continuum of Care Initiative. In FY 2006, growth in the year-to-date (YTD) ADP barely exceeded zero percent. Over FY 2007, the YTD ADP dropped by two percent. The decline in the ADP accelerated in FY 2008, to 9.6 percent, then slowed to 4.6 percent in FY 2009 and 4.7 percent in FY 2010. During the first five months of FY 2011 alone, the ADP declined by 9.4 percent.

The DCJ December 2010 juvenile commitment projections forecast that the NYC ADP will decrease dramatically through FY 2015. The ADP is expected to decrease 11.8 percent by the end of FY 2011, and by 8.3 percent in FY 2012. Overall, the population is expected to decrease by 33.2 percent by the end of FY 2015.

The juvenile parole population has experienced widely varied growth over the past ten years due to multiple factors, including the policy changes that decreased the length of mandatory parole and the Continuum of Care Initiative. Prior to 1997, the parole average caseload (ADC) was relatively stable. In 1997, mandatory one-year parole terms were implemented. Subsequently, the ADC grew sharply through July 2001. In 2001, the mandatory parole term was lowered to nine months,<sup>12</sup> after which the ADC declined rapidly. In 2003 the mandatory parole term was further lowered to six months,<sup>13</sup> resulting in a continuing decline. The ADC dropped significantly until May 2004 at which point it began to grow again at a significant rate. The implementation of the Continuum of Care Initiative coincided with this period of increasing growth. However, with the decline in the commitment population, the parole population has correspondingly experienced a decline. Over the course of FY 2009, the ADC fell by 14.6 percent. Very slow growth was experienced over the following year, at 1.5 percent. However, this growth is expected to be short-lived given the projected decline in the commitment population. As shown in Table 4.35, the parole

ADC is expected to decrease by 6.6 percent over the course of FY 2011 and by 7.4 percent the following year. Between FY 2011 and FY 2015, the parole population is expected to decline by 26.6 percent.

Table 4.34. DCJ 2010 winter forecast of the juvenile commitment average daily population (ADP), June 30, 2010-June 30, 2015

| Fiscal year end | YTD ADP** forecast | Annual growth |
|-----------------|--------------------|---------------|
| 2010*           | 1171.6             | -4.7%         |
| 2011            | 1033.6             | -11.8%        |
| 2012            | 947.3              | -8.3%         |
| 2013            | 874.6              | -7.7%         |
| 2014            | 835.7              | -4.4%         |
| 2015            | 783.0              | -6.3%         |

Note: \*Actual data. \*\*Year to Date Average Daily Population

Source: CDHS NYC Monthly Population Report, June 2010.

Table 4.35. DCJ 2010 winter forecast of the juvenile parole average daily caseload (ADC), June 30, 2010-June 30, 2015

| Fiscal year end | YTD ADC** forecast | Annual growth |
|-----------------|--------------------|---------------|
| 2010*           | 446.9              | 13.3%         |
| 2011            | 417.4              | -6.6%         |
| 2012            | 386.7              | -7.4%         |
| 2013            | 364.9              | -5.6%         |
| 2014            | 341.6              | -6.4%         |
| 2015            | 316.7              | -7.3%         |

Note: \*Actual data. \*\*Year to Date Average Daily Caseload

Source: CDHS NYC Monthly Population Report, June 2010.

## Daily cost of juvenile placements

### Probation costs

Table 4.36. Daily cost of juvenile probation in Colorado, FY 2010

| Type of supervision                             | Cost    | Caseload as of June 30, 2010 |
|-------------------------------------------------|---------|------------------------------|
| Juvenile regular probation                      | \$4.36  | 5,946                        |
| Juvenile intensive supervision probation (JISP) | \$14.74 | 452                          |

**Sources:** Cost Data: Division of Probation Services, State Court Administrator's Office, Colorado Judicial Department. Caseload Data: Colorado Judicial Branch. (2010). *Annual statistical report fiscal year 2010*. Denver, CO: Supreme Court of Colorado. Available at <http://www.courts.state.co.us/Administration/Custom.cfm/Unit/annrep>.

- On June 30, 2010, there were 5,946 juvenile offenders on regular probation and 452 on intensive supervision probation (JISP) in Colorado.
- The figures given in Table 4.36 for regular probation and JISP include costs for personal service, operating, and treatment funds.

### Division of Youth Corrections (DYC) costs

Table 4.37. Daily cost of the Colorado Division of Youth Corrections placements, FY 2010

| Type of supervision | Cost      | Average daily population (ADP) |
|---------------------|-----------|--------------------------------|
| Detention           | \$165.79* | 346.9**                        |
| Commitment          | \$225.87* | 499.1**                        |
| Juvenile parole     | \$23.10   | 443.2                          |

**Notes:** \*These costs are for state only detention and commitment. \*\*ADP is for state operated/state secure facilities.

**Source:** Financial Services Department, Division of Youth Corrections.

- The cost-per-day information in the table above is calculated using allocations for the type of placement using the detention capacity rather than the ADP. The cost includes, among other things, safety and security, intervention, treatment, supervision, food and lodging, assessment, education and medical expenses, and overhead allocations for administration.
- The average daily cost of the parolee population (\$23.10 per day) includes case management salaries, allocated administrative costs, as well as contracted treatment, and transition and parole services to monitor the youth's progress relevant to their individual case.

## Disproportionate minority contact

Disproportionate minority contact (DMC) refers to the disproportionate number of minority youth who come into contact with the juvenile justice system. The Juvenile Justice and Delinquency Prevention Act of 2002 broadened the scope of the DMC initiative from “disproportionate minority confinement” to “disproportionate minority contact.” The Act requires an examination of potential disproportionate representation at all decision points within the juvenile justice continuum and the implementation of efforts to reduce identified disproportionality. For further information on the Act, visit <http://ojjdp.ncjrs.gov/dmc/index.html>.

More than one explanation has been given for DMC. Some argue that DMC is the result of racial bias within the juvenile justice system. Others argue that DMC is the result of minority youth committing more crimes, more serious crimes, or types of offenses that are more likely to come to the attention of the police. Still others argue that DMC is, in part, produced by risk factors for delinquency that are also correlated with race. Because of these possibilities, many studies have extended the examination of DMC by statistically controlling for relevant variables such as offense characteristics and prior record, demographic variables, neighborhood characteristics and individual-level risk factors.

However, a review of three longitudinal studies of delinquency concluded that DMC can not be explained by differences in the offending behavior of different racial groups.<sup>10</sup> Frequency and seriousness of delinquent offending have only marginal effects on the DMC. This finding was consistent for total delinquency and for both violent and property offenses. The idea that DMC simply reflects the difference in offending rates among different racial/ethnic groups can not be supported by the information provided by these three studies.<sup>11</sup>

In the Juvenile Justice and Delinquency Prevention Act of 2002, Congress required that states participating in the Formula Grants Program “address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system” (see section 223(a)(22)). The

Act requires states to tackle DMC by addressing these steps:

- **Identification:** Determine the extent to which DMC exists.
- **Assessment:** If identified, address the reasons.
- **Intervention:** Develop and implement strategies that target problem areas.
- **Evaluation:** Evaluate the effectiveness of the intervention strategies.
- **Monitoring:** Document changes in DMC trends and adjust intervention strategies as needed.

Data is vitally important to the process of addressing the over representation of minority youth in the juvenile justice system because it drives the choice of strategies, the decision points for implementation, and the communities targeted for interventions.

As can be seen in Table 4.38:

- While African American youth make up only five percent of the Colorado 10 to 17 year old population, they account for 14.6 percent of juvenile arrests and 17.4 percent of secure detentions.
- African American youth make up 18.3 percent of youth committed to DYC.
- Thirty-one percent of youth prosecuted in adult court are African American.
- Of youth sentenced to the Youthful Offender System at the Department of Corrections, 21.2 percent are African American.
- Hispanic youth make up 24.1 percent of the state population, but they make up 38.4 percent of youth admitted to secure detention and 35.3 percent of youth committed to DYC.

<sup>10</sup> Thornberry, T.P., & Krohn, M.D. (2003). *Taking stock of delinquency: An overview of findings from contemporary longitudinal studies*. New York, NY: Kluwer Academic/Plenum Publishers.

<sup>11</sup> Huizinga, D., Thornberry, T.P., Knight, K.E., Lovegrove, P.J., Loeber, R., Hill, K., & Farrington, D.P. (2007). *Disproportionate minority contact in the juvenile justice system: A study of differential minority arrest/referral to court in three cities*. Washington D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.



## Risk factors for youth violence<sup>12</sup>

Risk factors increase the likelihood that a young person will become violent. Risk factors are not direct causes of youth violence. Instead, risk factors contribute to youth violence.

### Individual risk factors

- History of violent victimization or involvement
- Attention deficits, hyperactivity, or learning disorders
- History of early aggressive behavior
- Involvement with drugs, alcohol, or tobacco
- Low IQ
- Poor behavior control
- Deficits in social cognitive or information-processing abilities
- High emotional distress
- History of treatment for emotional problems
- Antisocial beliefs and attitudes
- Exposure to violence and conflict in the family

### Family risk factors

- Authoritarian childrearing attitudes
- Harsh, lax, or inconsistent disciplinary practices
- Low parental involvement
- Low emotional attachment to parents or caregivers
- Low parental education and income
- Parental substance abuse or criminality
- Poor family functioning
- Poor monitoring and supervision of children

### Peer/school risk factors

- Association with delinquent peers
- Involvement in gangs
- Social rejection by peers
- Lack of involvement in conventional activities
- Poor academic performance
- Low commitment to school and school failure

### Community risk factors

- Diminished economic opportunities
- High concentration of poor residents
- High level of transiency
- High level of family disruption
- Low levels of community participation
- Socially disorganized neighborhoods

## Protective factors

Protective factors can act as buffers between young people and the risks of becoming violent. These factors exist at various levels. Protective factors have not been studied as extensively or rigorously as risk factors. Identifying and understanding protective factors are equally as important as researching risk factors.

### Individual protective factors

- Intolerant attitude toward deviance
- High IQ or high grade point average
- Positive social orientation
- Religiosity

### Family protective factors

- Connectedness to family or adults outside of the family
- Ability to discuss problems with parents
- Perceived parental expectations about school performance are high
- Frequent shared activities with parents
- Consistent presence of parent during at least one of the following: when awakening, when arriving home from school, at evening mealtime, and when going to bed
- Involvement in social activities

### Peer/school protective factors

- Commitment to school
- Involvement in social activities

### Sources:

Anderson, M.A., Kaufman, J., Simon, T.R., Barrios, L., Paulozzi, L., Ryan, G., & et al. (2001). School-associated violent deaths in the United States, 1994–1999. *Journal of the American Medical Association*, 286, 2695–2702.

Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. (2006). *Web-based Injury Statistics Query and Reporting System (WISQARS)*. Available at [www.cdc.gov/ncipc/wisqars](http://www.cdc.gov/ncipc/wisqars).

Centers for Disease Control and Prevention. (2004). *Youth risk behavior surveillance—United States*, 53, 1–96.

Department of Health and Human Services. (2001). *Youth violence: a report of the Surgeon General*. Available at [www.surgeongeneral.gov/library/youth-violence/toc.html](http://www.surgeongeneral.gov/library/youth-violence/toc.html).

Lipsey, M.W., & Derzon, J.H. (1998). Predictors of violent and serious delinquency in adolescence and early adulthood: a synthesis of longitudinal research. In: Loeber, R., & Farrington, D.P. (Eds.), *Serious and violent juvenile offenders: risk factors and successful interventions*. Thousand Oaks, CA: Sage Publications.

Mercy, J., Butchart, A., Farrington, D., & Cerdá, M. (2002). Youth violence. In: Krug, E., Dahlberg, L.L., Mercy, J.A., & et al. (Eds.), *The world report on violence and health*. Geneva, Switzerland: World Health Organization.

Nansel, T.R., Overpeck, M., Pilla, R.S., Ruan, W.J., Simons-Morton, B., & Scheidt, P. (2001). Bullying behaviors among US youth: prevalence and association with psychosocial adjustment. *Journal of the American Medical Association*, 285, 2094–2100.

Resnick, M.D., Ireland, M., & Borowsky, I. (2004). Youth violence perpetration: what projects? What predicts? Findings from the National Longitudinal Study of Adolescent Health. *Journal of Adolescent Health*, 35, 424, 31–310.

<sup>12</sup> Centers for Disease Control available at <http://www.cdc.gov/ncipc/factsheets/yvfacts.htm>.

## Colorado education

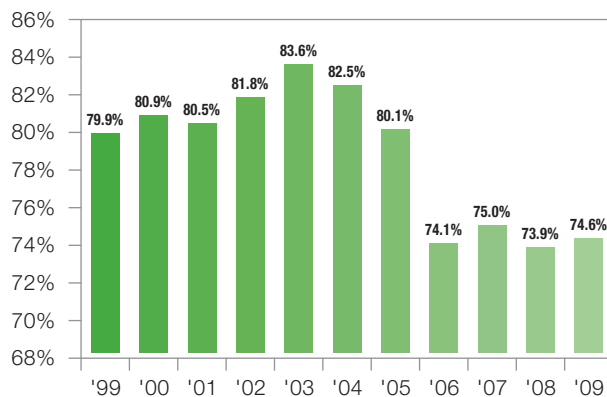
Research shows that disengagement from K-12 education has negative consequences for adolescent behavior, increasing the risk of crime and delinquency.<sup>13</sup> Evidence of such disengagement may be found in low graduation rates, dropout rates, and truancy rates.

By law, “dropout” is a person who leaves school before completion of a high school diploma<sup>14</sup> or its equivalent (i.e., GED) and who does not transfer to another school or enroll in a home-based education program.<sup>15</sup>

### Graduation and dropout trends

The graduation rate in Colorado has dropped significantly in recent years (see Figure 4.32). The statewide graduation rate for the class of 2009 was 74.6 percent, significantly lower than the graduation rates observed between 2000 and 2005.<sup>16</sup>

Figure 4.32. Graduation trends, 1999-2009



Source: Data from the Colorado Department of Education available at [http://www.cde.state.co.us/index\\_stats.htm](http://www.cde.state.co.us/index_stats.htm).

<sup>13</sup> Phillips, J. C., & Kelly, D. H. (1979). School failure and delinquency: Which causes which? *Criminology*, 17, 194-207. Gonzales, R., Richards, K., & Seeley, K. (2002, September). *Youth out of school: Linking absence to delinquency*. In Harmacek, M. (Ed.), *Education Policy Papers Series: Vol. 2*. Denver, CO: The Colorado Foundation for Families and Children. Gasper, J. M., & Hirschfield, P. (2008). *School disengagement and problem behavior: Distinguishing cause from consequence*. Paper presented at the 103rd Annual Meeting of the American Sociological Association, Boston, MA.

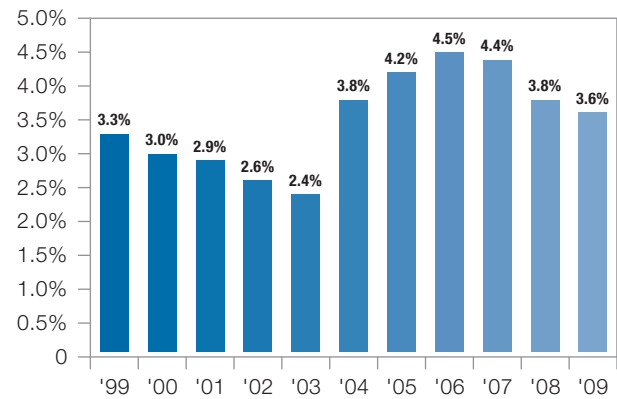
<sup>14</sup> Exceptions to this rule include any student expelled due to non-compliance with school entry immunizations (C.R.S. 25-4-907(3)) as well as a student who has been excused for a long-term illness or death before completion of a high school diploma and who does not transfer to another public or private school or enroll in a home school or online program (C.R.S. 22-2-114.1(3)(a)).

<sup>15</sup> Steadman, P., & Salazar, T. (2007). *Colorado statutes and rules pertaining to high school dropouts*. Presentation to the Dropout Prevention, Retention, and Recovery Subcommittee of the P-20 Education Coordinating Council. Available at [www.colorado.gov](http://www.colorado.gov) (at Offices of the Governor: Office of Policy and Initiatives).

<sup>16</sup> [http://www.cde.state.co.us/index\\_stats.htm](http://www.cde.state.co.us/index_stats.htm).

Dropout rates decreased over the last four school years from 4.5 percent in 2006 to 3.6 percent in 2009. The lowest dropout rate over the last decade was in 2003, at 2.4 percent.

Figure 4.33. Dropout trends, 1999-2009



Source: Data from the Colorado Department of Education available at [http://www.cde.state.co.us/index\\_stats.htm](http://www.cde.state.co.us/index_stats.htm).

### Race and gender differences

Table 4.39 and Figures 4.34 and 4.35 show differences in graduation and dropout rates across gender and ethnicity for the 2009 school year. Female students are more likely to graduate than males, at 78.0 percent and 71.4 percent, respectively. American Indian students were the least likely to graduate (55.9 percent) and the most likely to dropout (6.8 percent). Asian students were the most likely to graduate (85.7 percent) and were the least likely to dropout (2.2 percent).<sup>17</sup>

Table 4.39. Graduation and dropout rates by gender, 2009

|            | All students graduation rate | Female graduation rate | Male graduation rate |
|------------|------------------------------|------------------------|----------------------|
| Graduation | 74.6%                        | 78.0%                  | 71.4%                |
| Dropout    | 3.6%                         | 3.4%                   | 3.8%                 |

Source: Data from the Colorado Department of Education available at [http://www.cde.state.co.us/index\\_stats.htm](http://www.cde.state.co.us/index_stats.htm).

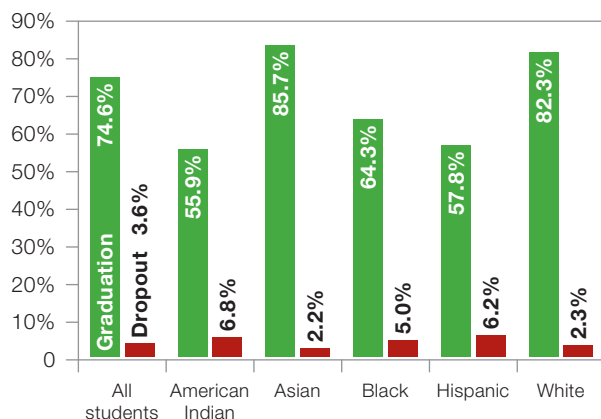
### Truancy

Truancy is any unexcused absence from school. State law specifies that children are required to begin attending school by the age of seven and have the right to drop out of high school no earlier than the age of 16.<sup>18</sup> Truancy is an offense that is applicable only to juveniles, and is considered a status

<sup>17</sup> Note: Graduation data for Asian students was not available.

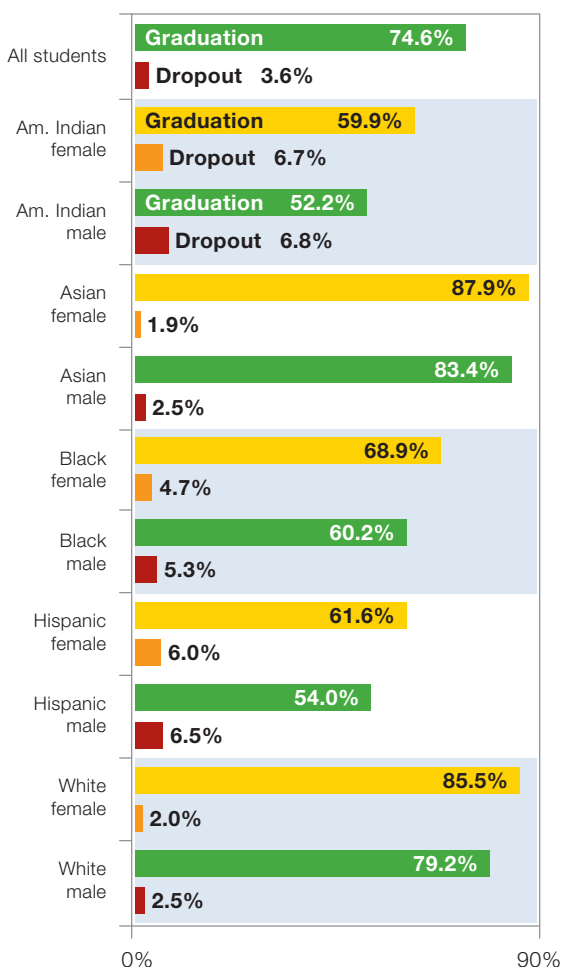
<sup>18</sup> C.R.S. 22-33-107.

Figure 4.34. Graduation and dropout rates in Colorado by race, 2009



Source: Data from the Colorado Department of Education available at [http://www.cde.state.co.us/index\\_stats.htm](http://www.cde.state.co.us/index_stats.htm).

Figure 4.35. Graduation and dropout rates in Colorado by race and gender combined, 2009



Source: Data from the Colorado Department of Education available at [http://www.cde.state.co.us/index\\_stats.htm](http://www.cde.state.co.us/index_stats.htm).

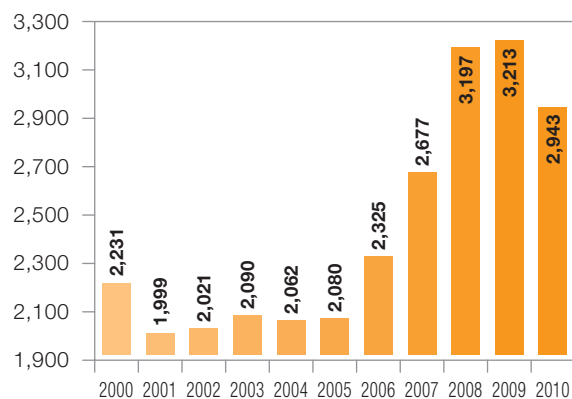
offense.<sup>19</sup> Status offenses are defined as acts that are illegal because the person committing the act is of juvenile *status*. Generally, status offenses fall into one of four categories: truancy, incorrigibility, underage liquor law violations, and runaways. Other offenses, such as tobacco and curfew violations, can also be included.<sup>20</sup>

Habitually truant students often fall behind and drop out of school.<sup>21</sup> As such, truancy is often the precursor for more serious negative behaviors including delinquency, drug and alcohol abuse, increased involvement in violent behavior including gang activity, and an increased risk of adult crime.<sup>22</sup>

Nationally, between 1990 and 1999 the highest percentage of truant youth were 15 years old (30 percent), male (54 percent), and Caucasian (71 percent).<sup>23</sup> Only two percent of court-petitioned truancy cases resulted in detention. Probation was the most common disposition for truancy cases regardless of age, gender, or race.<sup>24</sup>

Figure 4.36 shows the number of truancy filings in Colorado between 2000 and 2010. Since 2000 truancy filings have increased 31.9 percent. Also, as of 2010, truancy filings make up ten percent of the state's juvenile (JV) filings.

Figure 4.36. Truancy filings in Colorado, 2000-2010



Sources: Rubio, D.M. (2004). *Review and analysis of Colorado truancy case processing*. Denver, CO: National Center for State Courts, Court Consulting Services. Colorado Judicial Branch (2005-2010). *Annual Statistical Report*. Denver, CO: Supreme Court of Colorado. Available at <http://www.courts.state.co.us/Administration/unit.cfm/Unit/annrep>.

<sup>19</sup> Puzzanchera, C., Stahl, T.A.F., Tierney, N., & Snyder, H.N. (2003). *Juvenile court statistics 1999*. Pittsburgh, PA: National Center for Juvenile Justice.

<sup>20</sup> Rubio, D.M. (2004). *Review and analysis of Colorado truancy case processing*. Denver, CO: National Center for State Courts, Court Consulting Services.

<sup>21</sup> Ibid.

<sup>22</sup> Gary, E.M. (1996). *Truancy: First step to a lifetime of problems*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

<sup>23</sup> Rubio, D.M. (2004). *Review and analysis of Colorado truancy case processing*. Denver, CO: National Center for State Courts, Court Consulting Services.

<sup>24</sup> Puzzanchera, C., Stahl, T.A.F., Tierney, N., & Snyder, H.N. (2003). *Juvenile court statistics 1999*. Pittsburgh, PA: National Center for Juvenile Justice.

## Brain development during adolescence: A work in progress

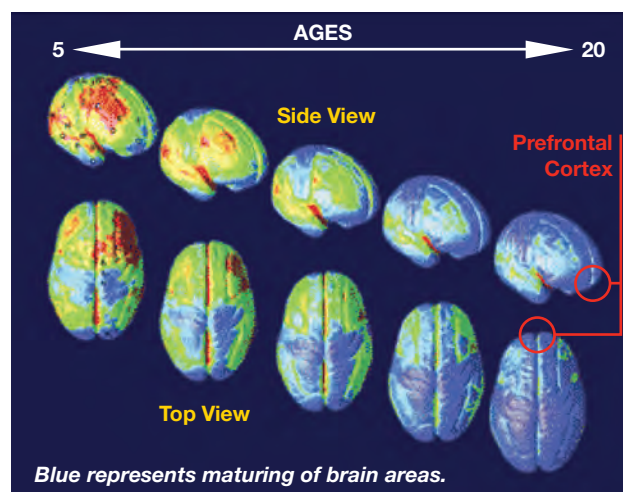
A newfound appreciation of the dynamic nature of the teen brain is emerging from MRI (magnetic resonance imaging) studies that can scan a child's brain every few years as he or she grows up. This breakthrough allows scientists to safely scan children over many years, tracking the development of their brains. Researchers at Harvard Medical School, the National Institute of Mental Health, UCLA, and others, are collaborating to "map" the development of the brain from childhood to adulthood and examine its implications.

These researchers have found that the gray matter of adolescents waxes and wanes in different functional brain areas at different times in development.<sup>25</sup> Some of the brain regions that reach maturity earliest are those in the back of the brain that control such sensory functions as vision, hearing, touch and spatial processing. Next are areas that coordinate those functions, while the very last part of the brain to mature is the prefrontal cortex, home of the so-called executive functions. In other words, the final part of the brain to grow up is the part capable of planning, setting priorities, organizing thoughts, suppressing impulses, and weighing the consequences of one's actions. As the prefrontal cortex matures, teenagers can reason better, develop more control over impulses and make judgments better.

Jay Giedd, a researcher at the National Institute of Mental Health, explains that during adolescence the "part of the brain that is helping organization, planning and strategizing is not done being built yet and that the best estimate for when the brain is truly mature is 25." Adolescence is a transitional period during which a child is becoming, but is not yet, an adult. An adolescent is at a crossroads of changes where emotions, hormones, judgment, identity and the physical body are so in flux that parents and even experts struggle to fully understand.

Now that we have scientific evidence that the adolescent brain is not quite up to scratch, some legal scholars and child advocates argue that minors should never be tried as adults. In March of 2005, the Supreme Court ruled that offenders who were under the age of 18 at the time of their crime were ineligible for the death penalty (*Roper v. Simmons*, 2005). Subsequently, it was decided in May of 2010 that life without the possibility of parole is cruel and unusual punishment for juveniles who commit non-homicide crimes (*Graham v. Florida*, 2010). The court concluded

Figure 4.37. Images of brain development in healthy children and teens (ages 5-20)



**Source:** Gogtay, N., Giedd, J.N., Lusk, L., et al. (2004). Dynamic mapping of human cortical development during childhood through early adulthood. *Proceedings of the National Academy Science*, 101, 8174-8179.

life behind bars without the chance of release was not justified for those offenders who may lack full "culpability" for their actions because of their ages.<sup>26</sup>

As a society, we recognize the limitations of adolescents and, therefore, restrict their privileges to vote, serve on a jury, consume alcohol, marry, enter into contracts, and even watch movies with mature content. Each year, the United States spends billions of dollars to promote drug use prevention and sex education to protect youth at this vulnerable stage of life. Crime prevention should be added to this list given problems with judgment and the lasting consequences of acquiring a criminal record.

### excerpted in part from:

<http://www.time.com/time/magazine/article/0,9171,994126-5,00.html>

*Teenage Brain: A work in progress* (Fact Sheet), NIH Publication No. 01-4929

PBS Frontline, *Inside the Teen Brain*, online at <http://www.pbs.org/wgbh/pages/frontline/shows/teenbrain/interviews/giedd.html>

<sup>25</sup> Giedd, J.N., Blumenthal, J., Jeffries, N.O., et al. (2009). *Brain development during childhood and adolescence: a longitudinal MRI study*. *Nature Neuroscience*, 2(10), 861-863.

<sup>26</sup> <http://www.cnn.com/2010/CRIME/05/17/supreme.court.teen.lifers/index.html>.



## Section 5: Recidivism



Recidivism rates refer to the proportion of offenders who re-enter the criminal justice system for a subsequent crime. What do we know about recidivism rates for adults and juveniles in Colorado? How do these rates vary across sentencing placements? What are the characteristics of offenders who continue their criminal behavior compared to those who do not?

Recidivism figures are always difficult to compare across studies because of differences in methodology. Even minor changes—in the population selected, in the time period under study, in data available for analysis—can affect the findings in important ways.

Here are some things to keep in mind when reviewing recidivism studies:

- More serious offender populations usually have higher recidivism rates.
- The longer the follow-up, the higher the failure rate, but the majority of offenders who re-enter the system do so within the first year.
- Community supervision programs may increase the failure rate due to increased surveillance or they can decrease the failure rate when services and assistance enhance outcomes.
- It is possible to predict the risk of recidivism of groups of offenders by using well-researched assessment tools. While these instruments have limitations, studies have found that they offer significant improvements and advantages over professionals' "best guess" about future risk.

## Defining recidivism in Colorado

Recidivism is the return to criminal behavior, and is measured by the arrest, court filing, or conviction for a subsequent crime following contact with the justice system. Measuring recidivism requires that the later criminal activity be documented in official justice records. Recidivism rates reported by researchers often vary considerably depending on the study method used, the offender group studied, the definition of recidivism, the quality and availability of recidivism data (often referred to as *outcome data*), and the length of the follow-up period.

***Studies show that the risk factors that led to the initial criminal behavior are generally the same factors that contribute to recidivism. For this reason, past criminal behavior is a strong predictor of future criminal behavior.***

***Interrupting this cycle requires interventions that are based on an understanding of the characteristics of offenders who do and do not return to crime. Research shows that offenders who participate in well-delivered and empirically-based services that address their specific needs are more likely to stay crime-free.***

In general, researchers in Colorado use two definitions of recidivism:

**Pre-discharge recidivism:** A court filing or adjudication for a new felony or misdemeanor offense that occurred prior to discharge of the offender's sentence. This refers to failure *during* the sentence (or program) placement, usually during either probation, community corrections, incarceration, or parole. Often technical violations of the conditions of supervision are included as failure events.

**Post-discharge recidivism:** A court filing or adjudication for a new felony or misdemeanor offense that occurred within a defined period of time, usually one or two years, following discharge from the sentence. This measure taps a period that follows sentence completion when the individual is no longer under jurisdiction of the justice system.

Additional information is also important when considering recidivism:

- How serious is the population being studied? More serious offenders can be expected to have higher recidivism rates.
- How many offenders failed the placement *not* due to a new crime but as a result of technical violations alone? Technical violations generally result in more restrictive and expensive placements and have a significant impact on overall costs. These behaviors may be irresponsible and even impulsive but seldom threaten public safety.
- What are the characteristics of offenders who succeed and fail in correctional placements? This information can assist in program development efforts to reduce recidivism rates.

## Recidivism of offenders on probation in FY 2009

In October 2010, the Judicial Department's Division of Probation Services (DPS) published its annual recidivism report.<sup>1</sup> This report presents both probation supervision outcomes and one-year recidivism (as measured by a new felony or misdemeanor filing) rates for probationers terminated during FY 2009. It is important to note that data concerning misdemeanor filings in Denver County Court are not available, so are excluded from these measures of recidivism. Historically, recidivism rates only vary by a few percentage points from year to year.

### Juvenile probationers

#### Program completion/Pre-discharge outcomes

- In FY 2009, 73.7 percent of juveniles successfully terminated from regular probation supervision. This was slightly higher than the prior year's success rate which was 72.5 percent.
- The largest percentage of failures due to technical violations (19.3 percent).
- Seven percent of juveniles under supervision failed due to criminal behavior that subsequently resulted in a new adjudication or conviction.
- The risk level of juveniles on probation is associated with case outcome: two percent of minimum risk youth on regular probation were convicted of a new crime while

**Success rates vary by level of risk presented by the offender. Those considered higher risk are supervised more intensely. Over one-third (38.0 percent) of juveniles on regular probation were classified as minimum risk, and 94.0 percent of these offenders successfully completed their sentence in FY 2009.**

under supervision compared to 16.9 percent of maximum risk youth. Technical violations also increase as the assessed risk level increases.

- Less than half (45.0 percent) of the 544 juveniles who were terminated from the Juvenile Intensive Supervision Program (JISP) in FY 2009 successfully completed the program; 37.7 percent failed with a technical violation and 17.3 percent received court filings for new offenses.

**Seven percent of juveniles failed due to criminal behavior while under supervision resulting in a new adjudication or conviction.**

Table 5.1. Risk level and supervision outcomes of juveniles terminated from regular probation in Colorado during FY 2009 (N=4,729)

| Risk level     | Proportion of total | Outcome      |              |             |             |
|----------------|---------------------|--------------|--------------|-------------|-------------|
|                |                     | Success      | TV*          | New crime** | Total       |
| Administrative | 17.4%               | 43.1%        | 47.2%        | 9.7%        | 100%        |
| Minimum        | 38.2%               | 94.1%        | 3.9%         | 2.0%        | 100%        |
| Medium         | 29.3%               | 79.1%        | 14.1%        | 6.8%        | 100%        |
| Maximum        | 14.9%               | 46.6%        | 36.5%        | 16.9%       | 100%        |
| Unclassified   | 0.2%                | 70.0%        | 10.0%        | 20.0%       | 100%        |
| <b>Overall</b> | <b>100%</b>         | <b>73.7%</b> | <b>19.3%</b> | <b>7.0%</b> | <b>100%</b> |

**Notes:** \*Technical Violation \*\*Misdemeanor filings from Denver County are not available and are excluded.

**Source:** Adapted from Wilks, D., & Nash, K. (2010). *Pre-release termination and post-release recidivism rates of Colorado's probationers: FY2008 releases*. Denver, CO: Colorado Division of Probation Services, Research and Evaluation Unit.

<sup>1</sup> Wilks, D., & Nash, K. (2009). *Pre-release termination and post-release recidivism rates of Colorado's probationers: FY2008 releases*. Denver, CO: Colorado Division of Probation Services, Research and Evaluation Unit. This report includes outcomes of offenders serving sentences with private probation agencies under contract with the Division of Probation Services.

### Recidivism one year later: Juvenile probationers

- In FY 2009, 84.7 percent of 3,485 juveniles who successfully completed regular probation remained crime-free in the following 12 months.
- 15.3 percent received a new court filing for subsequent criminal behavior.
- 87.7 percent of the 65 youth completing the Juvenile Intensive Supervision Probation (JISP) program remained crime-free after one year.

***In FY 2009, 84.7 percent of 3,485 juveniles who successfully completed regular probation remained crime-free in the following 12 months.***

***Risk level, which is usually measured in part by the extent of the individual's prior offending history, significantly drives outcomes. Those considered higher risk are supervised more intensely and can be expected to fail at higher rates. This is generally the population with the greatest need for services in addition to supervision.***

### Adult probationers<sup>2</sup>

#### Program completion/Pre-discharge outcomes

- Of the 22,513 adult probationers terminated from regular probation in FY 2009, 68.9 percent successfully completed, compared to 64.4 percent in FY 2008.
- Twenty-five percent failed probation due to technical violations.
- In FY 2009, 6.1 percent of adults on regular probation were convicted of a new misdemeanor or felony while serving their probation sentence.

- Less than half (47.6 percent) of the adults in the study were considered minimum risk, and only 1.8 percent of this lower risk group was convicted of a new crime while under supervision.
- Only 7.9 percent of the adult probationers were categorized at the highest risk level, and 22.9 percent of this group was convicted of a new crime.
- 73.1 percent of the 201 adult probationers in the Female Offender Program (FOP) in FY 2009 successfully completed the program. Almost a fifth (19.9 percent) failed with a technical violation and seven percent were convicted of a new offense.

***In FY 2009, 6.1 percent of adults on regular probation were convicted of a new criminal offense while serving their probation sentence.***

Table 5.2. Risk level and supervision outcomes of adults terminated from regular probation in Colorado during FY 2009 (N=22,513)

| Risk level     | Proportion of total | Outcome      |              |             |             |
|----------------|---------------------|--------------|--------------|-------------|-------------|
|                |                     | Success      | TV*          | New crime** | Total       |
| Administrative | 27.1%               | 25.1%        | 66.9%        | 8.0%        | 100%        |
| Minimum        | 47.6%               | 94.9%        | 3.3%         | 1.8%        | 100%        |
| Medium         | 17.0%               | 79.3%        | 13.1%        | 7.6%        | 100%        |
| Maximum        | 7.4%                | 40.0%        | 37.1%        | 22.9%       | 100%        |
| Unclassified   | 0.4%                | 78.8%        | 18.8%        | 2.4%        | 100%        |
| <b>Overall</b> | <b>100%</b>         | <b>68.9%</b> | <b>25.0%</b> | <b>6.1%</b> | <b>100%</b> |

**Note:** \*Technical Violation \*\*Misdemeanor filings from Denver County are not available and are excluded.

**Source:** Adapted from Wilks, D., & Nash, K. (2010). *Pre-release termination and post-release recidivism rates of Colorado's probationers: FY2009 releases*. Denver, CO: Colorado Division of Probation Services, Research and Evaluation Unit.

<sup>2</sup> Ibid.

***Less than half (47.6 percent) of the adults on probation were classified as minimum risk, and the success rate for this group was 94.9 percent at 12 months following termination from probation supervision.***

- Almost two-thirds (66.5 percent) of adults with intensive supervision probation completed successfully. Over a fifth (22.7 percent) received a technical violation, while 10.8 percent failed due to a new crime.

#### **Recidivism one year later: Adult probationers**

- In FY 2009, 93.3 percent of 15,515 adults who successfully completed regular probation remained crime-free after one year.
- 85.3 percent of those who received maximum supervision remained crime free in the 12 months after probation ended.
- 6.7 percent of adults successfully completing regular probation in FY 2009 received a new court filing for misdemeanor or felony crimes during the following year.
- 89.3 percent of the 84 offenders who completed a specialized probation program remained crime free after one year.

## New court filing on committed youth discharged in FY 2009

In January 2011, the Research and Evaluation Unit of the Division of Youth Corrections (DYC) published its annual recidivism report.<sup>3</sup> This report presents information on pre-discharge recidivism (**a court filing for a new felony or misdemeanor offense that occurred prior to discharge**) and 12-month post-discharge recidivism (**a court filing for a new felony or misdemeanor offense that occurs within one year of discharge**). It is important to note that misdemeanor filings originating in Denver County Court are not available and are excluded from these measures of recidivism.

A total of 858 committed youth were discharged from DYC between July 1, 2008 and June 30, 2009, and were included in this study.

**In FY 2009, 87.4 percent of the population committed to DYC was assessed as having substance abuse service needs (intervention and treatment).**<sup>4</sup>

### Program completion/Pre-discharge outcomes

This analysis refers to youth who receive new court filings while on DYC *parole status or residential out-of-home placement*. Parole is a period of supervision that follows the residential placement. All youth in the study were required to serve at least six months on parole.

- 37.9 percent of youth discharged in FY 2009 received a new felony or misdemeanor filing prior to leaving DYC's supervision.
- The Northeast Region<sup>5</sup> had the highest pre-discharge recidivism rate at 41.2 percent.
- 26.5 percent of girls and 39.3 percent of boys received a new court filing prior to discharge.

<sup>3</sup> Division of Youth Corrections (2011). *Recidivism evaluation of committed youth discharged in fiscal year 2008-09*. Denver, CO: Office of Children, Youth and Family Services, Colorado Department of Human Services.

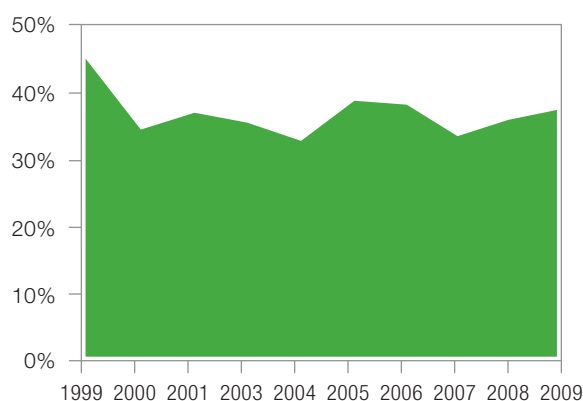
<sup>4</sup> Division of Youth Corrections (2010). *Fiscal year 2008-2009: Management reference manual*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services.

<sup>5</sup> DYC has a regionalized management structure dividing the state into four management regions, each with defined catchment areas. For further information see [http://www.cdhs.state.co.us/dyc/about\\_dyc.htm](http://www.cdhs.state.co.us/dyc/about_dyc.htm).

**37.9 percent of youth discharged in FY 2009 received a new felony or misdemeanor filing prior to leaving DYC's supervision.**

- Pre-discharge recidivism rates have increased over the past three fiscal years.
- DYC researchers found that 16.6 percent of new filings were for felony property offenses.

Figure 5.1. Division of Youth Corrections FY 1999-2009 discharges: Pre-discharge recidivism\*



**Note:** \*Data were unavailable for FY 2002. Recidivism is defined as a new misdemeanor or felony court filing within one year. Filings from Denver County are not available and are excluded.

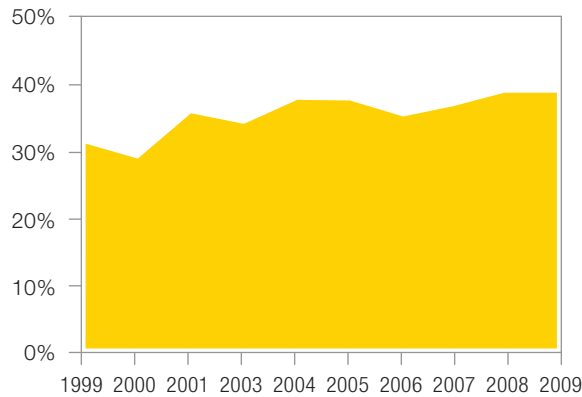
**Source:** Division of Youth Corrections. (2011). *Recidivism evaluation of committed youth discharged in fiscal year 2008-09*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services.

### Recidivism one year later

- Over a third (38.9 percent) of youth discharged in FY 2009 received a new felony or misdemeanor filing within one year of discharge from DYC.
- The Southern Region had the highest reoffending rate at 42.3 percent.
- DYC researchers found that 26.9 percent of post-discharge filings were for felony property crimes.
- Males were twice as likely to receive a post-discharge filing for a new offense (41.3 percent) as females (20.4 percent).
- Youth who were employed or enrolled in school at the time of discharge were less likely to have received a new filing within one year of discharge.

**38.9 percent of youth discharged in FY 2009 received a new felony or misdemeanor filing within one year of discharge from DYC.**

Figure 5.2. Division of Youth Corrections FY 1999-2009 discharges: Post-discharge recidivism\*



**Note:** \*Data were unavailable for FY 2002. Recidivism is defined as a new misdemeanor or felony court filing within one year. Data regarding filings from Denver County are not available and are excluded.

**Source:** Division of Youth Corrections. (2011). *Recidivism evaluation of committed youth discharged in fiscal year 2008-09*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services. Denver, Colorado.

- Youth who received new filings were significantly younger at their first adjudication compared to those who did not recidivate.
- Likewise, youth with three or more detention admissions received more filings within one year following discharge (42.1 percent) compared to youth with zero to two detention admits (29.4 percent).

**Youth who were employed or enrolled in school at the time of discharge were less likely to have received a new filing within one year of discharge.**

## Program outcomes of community corrections offenders

The Division of Criminal Justice's (DCJ) Office of Research and Statistics (ORS) conducted a program outcome analysis of offenders who terminated from community corrections in FY 2008. The study examined the outcomes of 5,174 offenders who terminated from the community corrections system. Program outcomes include successful termination or unsuccessful termination due to behaviors that resulted in technical violations, escaping/absconding, or committing a new crime while living in the halfway house. Most offenders who complete community corrections transition to nonresidential probation or to parole supervision.

Offenders can be referred to community corrections by the sentencing judge or by officials at the Department of Corrections (DOC). **The judicial placement is considered a diversion from prison**, and these cases are called "diversion clients." **The DOC placement of offenders in halfway houses serves as a method of transitioning prisoners** back into the community and these cases are referred to as "transition clients." Differences in these populations are described in Table 5.3.

### Diversion: Program completion

- In FY 2008, 61.3 percent of diversion offenders successfully completed their stay in community corrections (see Table 5.4).
- In FY 2008, 23.3 percent were terminated due to technical violations.
- Twelve percent of diversion offenders were terminated for escape. This represents a 40 percent decline in the escape rate between FY 2004 and FY 2008.
- In FY 2008, 3.4 percent of diversion offenders committed new crimes while they were in a halfway house.

**Successful program (pre-discharge) completion rates for diversion offenders in FY 2008 ranged from 47 percent to 80 percent across 34 halfway houses.<sup>6</sup>**

<sup>6</sup> Three halfway houses are not included in these figures because of the low number of offenders that have terminated from their program.

Table 5.3. Description of clients terminated from community corrections programs, FY 2008 (N=5,174)

| Description                       | Diversion<br>47.8%<br>(n=2,475) | Transition<br>52.2%<br>(n=2,699) |
|-----------------------------------|---------------------------------|----------------------------------|
| <b>Gender</b>                     |                                 |                                  |
| Male                              | 77.6%                           | 80.5%                            |
| Female                            | 22.4%                           | 19.5%                            |
| <b>Ethnicity</b>                  |                                 |                                  |
| Caucasian                         | 59.6%                           | 52.4%                            |
| African American                  | 13.1%                           | 21.0%                            |
| Hispanic                          | 24.3%                           | 24.0%                            |
| Other                             | 3.0%                            | 2.6%                             |
| <b>Other</b>                      |                                 |                                  |
| Married                           | 22.6%                           | 25.2%                            |
| Employed full time at termination | 78.3%                           | 79.7%                            |
| High School degree at termination | 55.6%                           | 62.6%                            |
| Mean age                          | 32.7                            | 35.9                             |
| Mean Criminal History Score*      | 2.6                             | 3.0                              |
| Mean LSI total**                  | 27.1                            | 27.1                             |

**Notes:** Clients who did not have the opportunity to complete the program for reasons such as transfer, program rejection, or death were excluded from this analysis. \*The ORS Criminal History Score is an index of an offender's past adjudications, convictions, placements, and revocations. Collapsed scores range from 0 to 4, with 0 representing virtually no prior involvement in criminal activity and 4 reflecting very serious offending histories.<sup>7</sup> \*\*The Level of Supervision Inventory (LSI) is a validated risk and needs assessment.

**Source:** The Office of Research and Statistics analyzed data obtained from offender termination forms provided by DCJ's Office of Community Corrections.

### Transition: Program completion

- In FY 2008, transition offenders were more likely than diversion offenders to successfully complete the program.<sup>8</sup>
- Two-thirds (65.9 percent) of transition offenders successfully completed community corrections in FY 2008.
- About 19 percent of transition offenders were terminated from community corrections for a technical violation in FY 2008; another 11.5 percent were terminated for escape.
- Approximately three percent of transition offenders committed new crimes while they were in a halfway house (see Table 5.4).

<sup>7</sup> Criminal history score= number of juvenile adjudications x (.5) + Number of placements in DYC x (1) + number of adult felony convictions x (1) + number of adult prior violent arrests x (1.5) + number of adult probation revocations x (.75) + number of adult parole revocations x (2).

<sup>8</sup> Transition offenders typically outperform diversion offenders. This is probably because they are older and tend to be at the end of their criminal career.

## Who succeeds and who fails in community corrections?

- Transition offenders who participated in substance abuse treatment and cognitive restructuring training were more likely to succeed.
- Older offenders were more likely to successfully complete community corrections and younger offenders were more likely to fail the program due to technical violations and escapes.
- Female offenders participating in female-specific interventions were found to successfully complete community corrections more often than women who did not receive such programming.
- Offenders with at least some college education or vocational training were the most likely to succeed and the least likely to fail due to escape.
- Those with higher needs for services were more likely to fail in community corrections.
- Employment is a condition of placement in community corrections. Not surprisingly, those with full time employment were more than nine times as likely to successfully terminate from the residential program as were those who were not fully employed.

### Diversion

- Diversion offenders in FY 2008 particularly benefited from **alcohol and drug programming**: those who received this service succeeded at a rate of 66.6 percent, compared to an overall success rate of 61.3 percent.
- Those who received **educational services** succeeded at a rate of 67.1 percent.

## Participation in programming significantly improved outcomes.

- Diversion offenders also particularly benefited from **cognitive programming**: those who received this service succeeded at a rate of 67.8 percent.
- Participation in **domestic violence programs** improved outcomes for diversion offenders by eight percentage points.
- Offenders participating in **budgeting programs** succeeded at a rate of 63.6 percent compared to 61.3 percent overall.

### Transition

- Like diversion offenders in FY 2008, transition offenders particularly benefited from **alcohol and drug programming**: those who received this service succeeded at a rate of 70.9 percent, compared to an overall success rate of 65.9 percent.
- Participation in **domestic violence programs** improved outcomes for transition offenders by six percentage points.
- Transition offenders who participated in **education programs** had a success rate of 70.4 percent compared to 65.9 percent for the group overall.
- Offenders participating in **budgeting programs** also had improved success rates, at 71.1 percent.

Table 5.4. Program outcomes over time, FY 2005-FY 2008

| Fiscal year    | Successful completion | Technical violation | Escape | New crime |
|----------------|-----------------------|---------------------|--------|-----------|
| Diversion      |                       |                     |        |           |
| 2008 (N=2,381) | 61.3%                 | 23.3%               | 12.0%  | 3.4%      |
| 2007 (N=2,460) | 59.3%                 | 24.0%               | 13.5%  | 3.2%      |
| 2006 (N=2,375) | 54.6%                 | 25.1%               | 17.4%  | 2.9%      |
| 2005 (N=2,594) | 50.7%                 | 26.4%               | 19.5%  | 3.4%      |
| Transition     |                       |                     |        |           |
| 2008 (N=2,672) | 65.9%                 | 19.1%               | 11.5%  | 3.5%      |
| 2007 (N=2,469) | 65.3%                 | 20.1%               | 11.7%  | 2.8%      |
| 2006 (N=2,450) | 62.8%                 | 20.3%               | 14.0%  | 3.0%      |
| 2005 (N=2,499) | 58.8%                 | 24.0%               | 14.1%  | 3.0%      |

Source: The Office of Research and Statistics analyzed data obtained from offender termination forms provided by DCJ's Office of Community Corrections.

## Community Corrections in Colorado

*Community Corrections in Colorado refers to a system of specific halfway house facilities that provide residential and non-residential services to convicted offenders. This system of 33 halfway houses, often referred to as programs, receive state funds but are based and operated in local communities. These programs provide an intermediate residential sanction at the front end of the system between probation and prison, or reintegration services at the tail end of the system between prison and parole. Community corrections placements allow offenders access to community resources, including treatment and employment opportunities, while living in a staff secure correctional setting. The facilities are non-secure, however, each provides 24-hour staffing. Each offender must sign out and in as they leave and return to the facility, and staff monitor the location of off-site offenders by field visits and telephone calls. Several facilities use electronic monitoring and a few programs use geographic satellite surveillance to track offenders when they are away from the halfway house.*

*Diversion clients are responsible to the probation department while transition clients are under the jurisdiction of the DOC's Division of Adult Parole and Community Corrections. Both diversion and transition clients are housed together and participate in programming together. While the two types of clients are subject to a few differences in policies from their "host agency," they are required to abide by the same sets of house rules and are subject to similar consequences when rules are broken.*

*Per statute, each jurisdiction has a community corrections board, appointed by the county commissioners, to screen offender referrals and to oversee the operation of the facilities. Board members typically consist of both criminal justice professionals and citizens. In some locales, county governments operate their own community corrections facilities; in others, the*

*local boards contract with private corporations that own and operate the programs. Regardless of the source of the referral (from the courts or from the Department of Corrections), each case is reviewed by members of the board and must be approved for placement in the local halfway house. Cases not approved by the board return to the judge or DOC for an alternative placement. Programs can also reject clients that have been referred for placement.*

*The state community corrections system also provides services to nonresidential clients. These are diversion clients who have successfully completed the residential components of the program. Non-residential placement continues until the diversion sentence is completed. Transition programming does not include non-residential status, however, most DOC clients release to parole status when completing their stay in the halfway house. Offenders are expected to pay for much of their treatment in the community, for room and board, plus make efforts to pay court costs, restitution, child support, and other fines and fees. The state provides reimbursement to programs at a rate identified in statute, and legislation is required to modify the per diem reimbursement rate.*

*In FY 2009, the per diem rates were \$37.74 for residential clients and \$5.12 for non-residential clients. Differential per diem rates were also established for IRT (Intensive Residential Treatment) at \$17.78 and for the seriously mentally ill at \$33.02, and for the clients of the John Eachon Re-Entry Program (JERP) at \$52.80. The differential rate is paid in addition to the residential rate to provide additional treatment services for the specified populations.*

*Residential programs can charge offenders up to \$17 per day in subsistence fees and \$3 per day for non-residential fees. Actual collections are based on earnings and the offender's ability to pay.*

**Recidivism was defined as a new district or county court filing within 12 months and 24 months of program completion.** Data concerning filings from Denver County Court are not available, and are excluded from these measures.

- # Recidivism

Of those who recidivated with 24 months of release from community corrections:

- Men recidivated slightly more often than did female offenders (29.8 percent and 22.5 percent, respectively).
- African Americans and Hispanics both recidivated at significantly higher rates than their Caucasian counterparts.
- Single offenders recidivated at a greater rate than married, separated, divorced or widowed offenders.
- Offenders with more education had lower recidivism rates than those with less than a high school diploma.
- Those that recidivated had statistically significantly more prior involvement in crime and had higher service needs, as measured by the Level of Supervision Inventory than those that did not recidivate.

| Program type                 | Recidivism within 12 months of release | Recidivism within 24 months of release |
|------------------------------|----------------------------------------|----------------------------------------|
| General Population           | 17.6%                                  | 28.8%                                  |
| Therapeutic Communities (TC) | 7.3%                                   | 19.0%                                  |
| Male TC                      | 7.9%                                   | 21.7%                                  |
| Female TC                    | 5.6%                                   | 11.2%                                  |
| Non-TC women only            | 13.2%                                  | 22.1%                                  |

**Source:** The Office of Research and Statistics analyzed data obtained from offender termination forms provided by DCJ's Office of Community Corrections. Table represents offenders who successfully completed community corrections in FY 2005 through FY 2007.

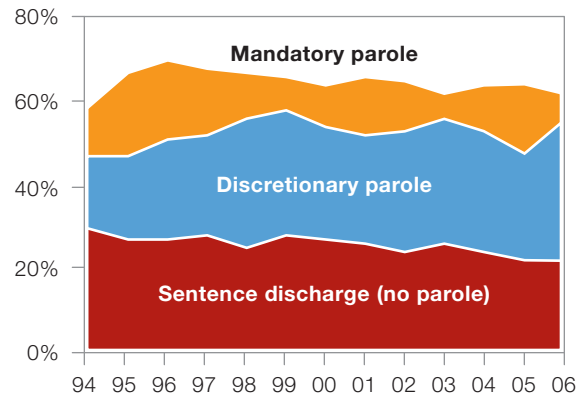
### Three year return-to-prison rates of DOC inmates released in 2007

In February 2011, the Office of Planning and Analysis of the Colorado Department of Corrections published its annual report, which included a recidivism study of offenders who returned to prison for either new criminal activity or a technical violation within three years of release.<sup>9</sup>

**DOC uses return-to-prison within three years as the measure of recidivism.**

- 48.1 percent of those released on parole in 2007 returned to prison within three years.
- Many fewer individuals returned to prison when they released without parole supervision: 22.1 percent of those who discharged their sentence without parole returned to prison within three years.
- Combining all release categories, 53.0 percent of men and 43.9 percent of women returned to prison within three years.

Figure 5.3. Three-year return-to-prison rates for offenders released 1994-2006, by release type



Source: Department of Corrections Annual Statistical Reports, 1994 through 2010. Colorado Springs, CO: Office of Planning and Analysis, Colorado Department of Corrections. Available at <http://www.doc.state.co.us>.

**The majority of offenders who return to prison due to technical violations of parole. A parolee is almost three times more likely to return to prison for a technical violation than for a new crime.**

**The one-year return to prison rate for 2009 releases was 33.4 percent: 6.1 percent returned for new crimes, and 26.0 percent returned for technical violations.**

<sup>9</sup> Colorado Department of Corrections. (2011). *Statistical reportfiscal year 2010*. Colorado Springs, CO: Office of Planning and Analysis, Colorado Department of Corrections. Available at <http://www.doc.state.co.us/opa-publications/97>.

## Summary

Table 5.6. Summary of recidivism findings presented in this section

| Study population                                                    | Follow-up period        | Measure of recidivism          | Recidivism rate (%) | Notes |
|---------------------------------------------------------------------|-------------------------|--------------------------------|---------------------|-------|
| <b>Juvenile probation FY 2009<sup>10</sup></b>                      |                         |                                |                     |       |
| Regular probation                                                   | During supervision      | Technical violation            | 19.3%               |       |
|                                                                     |                         | New adjudication               | 7.0 %               | 1     |
|                                                                     | 1 year post-termination | New misd/felony filing         | 15.3%               | 3     |
| Intensive Supervision Probation (JISP)                              | During supervision      | Technical violation            | 37.7%               |       |
|                                                                     |                         | New adjudication               | 17.3%               | 1     |
|                                                                     | 1 year post-termination | New misd/felony filing         | 12.3%               | 3     |
| <b>Adult probation FY 2009<sup>11</sup></b>                         |                         |                                |                     |       |
| Regular probation                                                   | During supervision      | Technical violation            | 25.0%               |       |
|                                                                     |                         | New misd/felony conviction     | 6.1%                | 2     |
|                                                                     | 1 year post-termination | New misd/felony filing         | 6.7%                | 3     |
| Intensive Supervision Probation (ISP)                               | During supervision      | Technical violation            | 22.7%               |       |
|                                                                     |                         | New misd/felony conviction     | 10.8%               | 2     |
|                                                                     | 1 year post-termination | New misd/felony filing         | 11.3%               | 3     |
| Female Offender Program (FOP)                                       | During supervision      | Technical violation            | 19.9%               |       |
|                                                                     |                         | New misd/felony conviction     | 7.0%                | 2     |
|                                                                     | 1 year post-termination | New misd/felony filing         | 9.7%                | 2     |
| <b>Division of Youth Corrections FY 2009<sup>12</sup></b>           |                         |                                |                     |       |
| Commitments                                                         | During commitment       | New misd/felony filing         | 37.9%               | 3     |
|                                                                     | 1 year post-termination | New misd/felony filing         | 38.9%               | 3     |
| <b>Department of Corrections<sup>13</sup></b>                       |                         |                                |                     |       |
| All releases, CY 2004 and CY 2006                                   | 1 year post-release     | Return to prison               | 32.9%               | 6     |
|                                                                     | 3 years post-release    | Return to prison               | 53.2%               | 6     |
| Male releases, CY 2007                                              | 3 years post-release    | Return to prison               | 53.0%               | 6     |
| Female releases, CY 2007                                            | 3 years post-release    | Return to prison               | 43.9%               | 6     |
| All releases, CY 2007                                               | 3 years post-release    | Return with new crime          | 17.4%               | 7     |
|                                                                     | 3 years post-release    | Return for technical violation | 34.4%               | 8     |
| Parole releases, CY 2007                                            | 3 years post-release    | Return to prison               | 48.1%               | 6     |
| Sentence discharges, CY 2007                                        | 3 years post-release    | Return to prison               | 22.1%               | 6     |
| All releases, CY 2002 <sup>14</sup>                                 | 3 years post-release    | New felony filing              | 45.5%               | 4     |
| Youthful Offender System (YOS) <sup>15</sup><br>FY 2007 and FY 2009 | 1 year post-release     | Return to prison               | 7.0%                | 6     |
|                                                                     | 3 years post-release    | Return to prison               | 21.0%               | 6     |
| <b>Community Corrections<sup>16</sup></b>                           |                         |                                |                     |       |
| All releases, FY 2008                                               | During program          | Technical violation            | 20.6%               | 9     |
|                                                                     |                         | New crime                      | 3.4%                | 9     |
| All releases, FY 2005 - FY 2007                                     | 1 year post-discharge   | New misd/felony filing         | 17.1%               | 3,10  |
|                                                                     | 2 years post-discharge  | New misd/felony filing         | 28.4%               | 3,10  |
| Diversion releases, FY 2008                                         | During program          | Technical violation            | 23.3%               | 9     |
|                                                                     |                         | New crime                      | 3.4%                | 9     |
| Diversion releases, FY 2005 - FY 2007                               | 1 year post-discharge   | New misd/felony filing         | 15.7%               | 3,10  |
|                                                                     | 2 years post-discharge  | New misd/felony filing         | 26.5%               | 3,10  |
| Transition releases, FY 2008                                        | During program          | Technical violation            | 19.1%               | 9     |
|                                                                     |                         | New crime                      | 3.5%                | 9     |
| Transition releases, FY 2005 - FY 2007                              | 1 year post-discharge   | New misd/felony filing         | 18.4%               | 3,10  |
|                                                                     | 2 years post-discharge  | New misd/felony filing         | 29.9%               | 3,10  |

- Notes:**
1. Adjudicated for misdemeanor or felony filing district or county court. Filings and convictions in Denver County Court are excluded.
  2. Convicted of a misdemeanor or felony in district or county court. Filings and convictions in Denver County Court are excluded.
  3. New filing in district or county court. Filings and convictions in Denver County Court are excluded.
  4. Includes both residential and parole status.
  5. Return to prison, due to either a technical parole violation or a new felony conviction.

6. Return to prison, due to either a technical parole violation or a new felony conviction.
7. Return to prison, due to a new felony conviction.
8. Return to prison for a technical parole violation only.
9. Includes discharges during FY 2008.
10. Includes discharges during FY 2005 through FY 2007.

**Table 5.6 footnotes:** See next page.

Table 5.6 footnotes:

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- <sup>10</sup> Wilks, D., & Nash, K. (2010). *Pre-release termination and post-release recidivism rates of Colorado's Probationers: FY2009 releases*. Denver, CO: Colorado Division of Probation Services, Research and Evaluation Unit.
- <sup>11</sup> Ibid.
- <sup>12</sup> Division of Youth Corrections (2011). *Recidivism evaluation of committed youth discharged in fiscal year 2008-09*. Denver, CO: Department of Human Services, Office of Children, Youth and Family Services. Available at <http://www.cdhs.state.co.us/dyc/PDFs/Recid2009.pdf>.
- <sup>13</sup> Colorado Department of Corrections. (2011). *Statistical report fiscal year 2010*. Colorado Springs, CO: Colorado Department of Corrections. Available at [http://www.doc.state.co.us/sites/default/files/opa/StatRpt\\_FY10.pdf](http://www.doc.state.co.us/sites/default/files/opa/StatRpt_FY10.pdf).
- <sup>14</sup> Division of Criminal Justice, Office of Research and Statistics. Special analysis conducted for development of the Colorado Actuarial Risk Assessment Scale (CARAS) on prison releases during CY 2002 using a data extract provided by the Department of Corrections and recidivism data extracted from the Judicial Department's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS).
- <sup>15</sup> Department of Corrections (2010). *Youthful offender system annual report fiscal year 2009-2010*. Colorado Springs, CO: Office of Planning and Analysis, Colorado Department of Corrections. Available at <http://http://www.doc.state.co.us/opa-publications/99>.
- <sup>16</sup> Division of Criminal Justice, Office of Research and Statistics. Analysis of data obtained from offender termination forms provided by DCJ's Office of Community Corrections.

## Section 6: Special features



Crime is a complex social problem that cannot be understood without a broad base of information. This section provides a description of two important entities that are addressing crime, delinquency, and the prevention of both, along with brief discussions of a variety of issues relevant to crime and juvenile justice in Colorado.

- Colorado Commission on Criminal and Juvenile Justice (CCJJ)
- Colorado's Juvenile Justice and Delinquency Prevention Council (JJJPC)
- Who goes to prison?
- What is the impact on incarceration on crime?
- Research on desistance from crime
- Escape: Mandatory consecutive sentences
- The death penalty
- Restorative justice

## Colorado Commission on Criminal and Juvenile Justice

The Colorado Commission on Criminal and Juvenile Justice (CCJJ) was created in the spring of 2007 with the Governor's signing of House Bill 07-1358. The legislation identified 26 voting members who are required to meet at least monthly to "review information necessary for making recommendations to enhance public safety, to ensure justice, and to ensure protection of the rights of victims through the cost-effective use of public resources." The work of the Commission focuses on evidence-based recidivism reduction initiatives and the cost-effective expenditure of limited criminal justice funds.

***The statutory mission of the Commission on Criminal and Juvenile Justice is to enhance public safety, to ensure justice, and to ensure protection of the rights of victims through the cost-effective use of public resources.***

Specifically, C.R.S. 16-11.3-101 states that the Commission shall have the following duties:

- To conduct an empirical analysis of and collect evidence-based data on sentencing policies and practices, including but not limited to the effectiveness of the sentences imposed in meeting the purposes of sentencing and the need to prevent recidivism and re-victimization;
- To investigate effective alternatives to incarceration, the factors contributing to recidivism, evidence-based recidivism reduction initiatives, and cost-effective crime prevention programs;
- To make an annual report of findings and recommendations, including evidence-based analysis and data;
- To study and evaluate the outcomes of Commission recommendations as implemented;
- To conduct and review studies, including but not limited to work compiled by other stats pertaining to policies and practices in the criminal and juvenile justice systems. The Commission shall prioritize areas of study based on the potential impact on crime and corrections and the resources available for conducting the work; and
- To work with other state-established boards, task forces, or commissions that study or address criminal justice issues.

Additionally, in 2008 the General Assembly passed House Bill 1119 modifying the duties of the Commission to include among its areas of study "the reduction of racial and ethnic disparities within the criminal and juvenile justice systems." In 2009, the General Assembly passed Senate Bill 236 which required the Commission to prioritize the study of sentencing.

### Guiding principles and goals of the Commission

Commission members agreed on the following Guiding Principles:

- Public safety should always be paramount in our thoughts.
- It is important that we are inclusive of all represented perspectives and areas of expertise, and that we commit to non-partisanship.
- We must question our own assumptions and trust each other to do the right thing.
- We should seek outside help for areas where we are lacking in knowledge.
- The impact our decisions will have on all of Colorado should be carefully considered, keeping in mind both large and small counties, as well as offenders and victims.
- To the best of our ability our decisions should be simple, and made with a sense of urgency.
- Any and all decisions should be data-driven and should be aimed at slowing penetration into the juvenile and criminal justice systems.
- We should be mindful that a need for treatment is not an adequate reason to incarcerate someone (other options should be available).

In addition to the Guiding Principles, the Commission agreed on these primary goals:

- Develop an evidence-based plan for reducing recidivism.
- Assess probation, institutions, re-entry parole, and community corrections.
- Focus on juvenile programs and policies.
- Focus on crime prevention programming.
- Review sentencing and parole laws.

***In addition to the Guiding Principles, the Commission agreed on the following primary goals:***

- ***Develop an evidence-based plan for reducing recidivism.***
- ***Assess probation, institutions, parole, and community corrections.***
- ***Focus on juvenile programs and policies.***
- ***Focus on crime prevention programming.***
- ***Review sentencing and parole laws.***

### Commission focus and activities in 2008

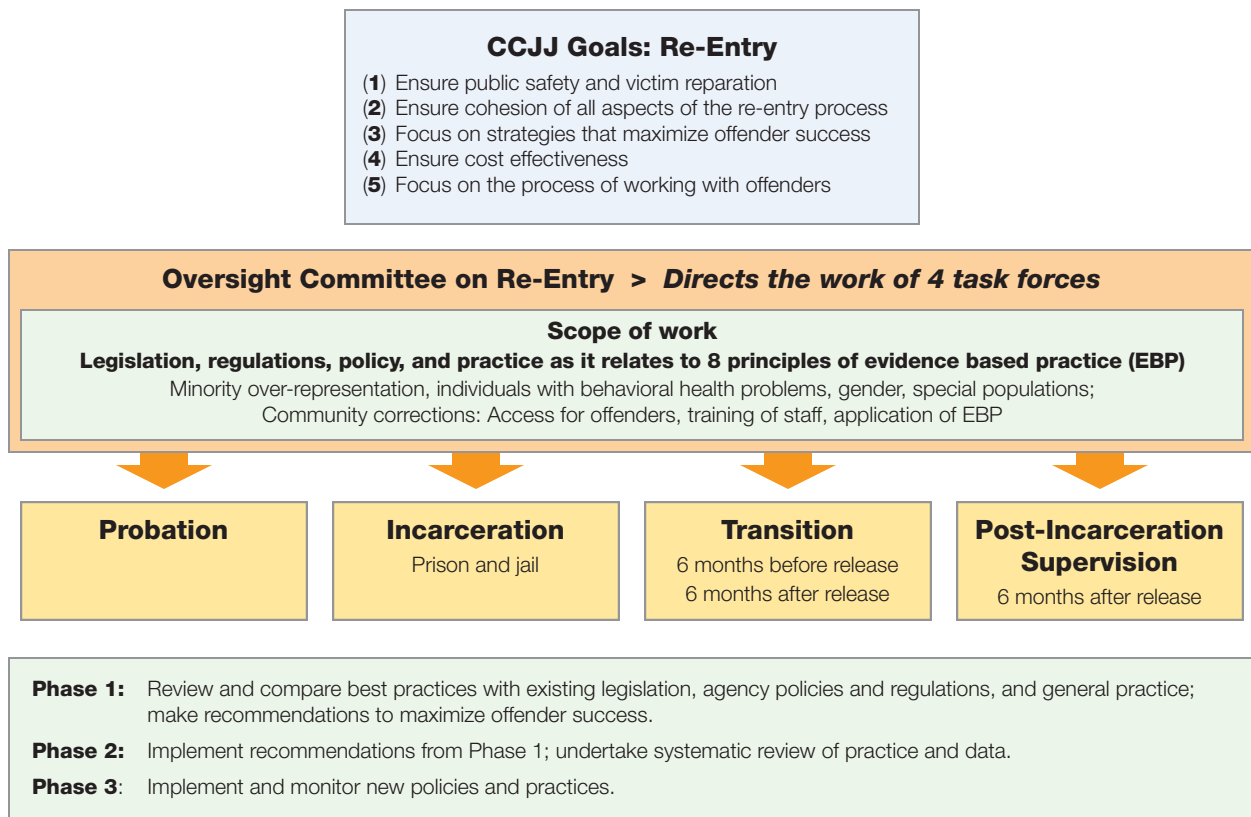
The development of the Commission's goals provided the foundation for identifying its first area of significant focus

and study: Re-entry into the community by adults convicted of criminal behavior. Studying re-entry allowed the Commission to immediately address its first two goals of:

- Developing an evidence-based plan for reducing recidivism, and
- Assessing probation, institutions, re-entry, parole, and community corrections.

To concentrate its efforts on re-entry, the Commission established the Oversight Committee on Re-entry and four re-entry task forces: a Probation Task Force, an Incarceration Task Force, a Transition Task Force and a Post-Incarceration Supervision Task Force (see Figure 6.1). The Oversight Committee assisted in the planning and organization of task force activities including establishing objectives and a scope of work for the task forces and incorporating the goals identified by the Commission and those stated in the enabling legislation. The Oversight Committee directed the task forces to identify problems and solutions related to the re-entry of individuals incarcerated in jail and prison.

Figure 6.1. Organization of the Colorado Commission on Criminal and Juvenile Justice's work on re-entry



## National Research Council

Because the United States has the highest incarceration rate in the industrialized world and it has the highest number of former prisoners returning to communities, the National Research Council of the National Academies, Division of Behavior and Social Sciences and Education, requested that its Committee on Law and Justice compile research on models of community supervision designed to reduce recidivism. It published its comprehensive report in January 2008, further underscoring the importance of the work of the Oversight Committee and the re-entry task forces. The National Research Council report includes the following findings:<sup>1</sup>

- Parolees are a heterogeneous group and their rates of recidivism vary widely; there is no average parolee.
- Releasees who have just served their first prison sentence have much lower rates of recidivism than those who have been imprisoned multiple times, regardless of age, ethnicity, gender, and crime type.
- Cognitive-behavioral treatment programs can reduce recidivism significantly, especially among young people and high-risk offenders.
- Inadequate program implementation threatens the benefit these programs might provide.
- The first days and weeks out of prison are the riskiest for both the releasee and the public. Recidivism is most likely during this period, and death rates among the released population are 12 times that of the general population in the first weeks following release.
  - Concentrating supervision and services in the first days and weeks out of prison is likely to have the greatest effect on recidivism reduction.
- Strong ties to work, and good and stable marriages, appear to be particularly important in reducing recidivism.
- Administrators of both in-prison and post-release programs should redesign their activities and redirect their resources to provide major support at the time of release.

- Individuals should not leave prison without an immediately available plan for post-release life, including:
  - Intensive and detailed prerelease and post-release counseling;
  - Immediate enrollment in drug treatment programs;
  - Intense parole supervision;
  - Assistance finding work;
  - Short-term halfway houses;
  - Mentors who are available at the moment of release;
  - Assistance in obtaining identification, clothes, and other immediate needs.
- Intensive supervision increases recidivism unless it is combined with drug treatment, community service, and employment programs.
  - Employment and education programs must provide workers with credentials that meet private-sector demands.
- Positive incentives for supervision compliance are important complements to sanctions for behaviors that violate conditions of supervision (incentives and rewards for specific positive behaviors can include less intrusive supervision and the remission of previously collected fines).
- Greater contact with family during incarceration (by mail, phone, or in-person visits) is associated with lower recidivism rates.

Finally, the National Research Council's report included a discussion of research pertaining to individual change, and suggested that policy makers and program administrators set realistic goals in terms of punishment and rewards. The authors suggest that the goal of crime reduction programs be "less offending, and less serious offending," rather than zero offending, particularly by high-rate offenders released from prison: "Empirical research on desistance [from crime] has consistently demonstrated that this goal can be achieved."<sup>2</sup>

<sup>1</sup> National Research Council. (2008). *Parole, desistance from crime, and community integration*. Washington D.C.: National Academies Press.

<sup>2</sup> Laub, J., & Sampson, R. J. (2003). *Shared Beginnings, Divergent Lives: Delinquent Boys to Age 70*. Cambridge, MA: Harvard University Press; Sampson, R.J., & Laub, J.H. (2003). Desistance from crime over the life course. In J.T. Mortimer and M.J. Shanahan (Eds.), *Handbook of the life course*. New York, NY: Kluwer Academic/Plenum; Sampson, R. J., Laub, J.H., & Wimer, C. (2006). Does Marriage Reduce Crime? A Counterfactual Approach to Within-Individual Causal Effects. *Criminology* 44, 465-508; Ezell, M.E., & Cohen, L.E. (2005). *Desisting From Crime: Continuity and Change in Long-term Crime Patterns of Serious Chronic Offenders*. Oxford, UK: Oxford University Press.

The Commission agreed upon 66 recommendations to improve the re-entry process in Colorado. These were published in its December 2008 report available at <http://cdpsweb.state.co.us/cccj/2008recommendations.html>.

## **Several Commission recommendations became law in 2009 and 2010**

### **Drivers license retention**

Because the loss of a driver's license is a significant barrier to employment, and because employment is linked to crime reduction, the Commission recommended abolishing those portions of statutes that require the mandatory revocation or suspension of the defendant's driver license for a conviction/adjudication of non-driving offenses such as criminal mischief, defacing property, certain forgery offenses, and certain drug offenses. This recommendation did apply to child support enforcement. The passage of House Bill 09-1266 addressed this recommendation.

### **Jail time credits**

The Commission recommended the removal of the word "calendar" from C.R.S. 17-26-115 to apply the trustee statute to a 30-day period rather than a calendar month, the clarification of C.R.S. 17-26-109 to provide a standardized range of good time credits available to jail inmates, and the modification of C.R.S. 17-26-109 to include the ability for jail administrators to award discretionary earned time of 3 to 5 days per 30-day period for the completion of certain programs or education or for exemplary behavior. The passage of House Bill 09-1263 addressed these three recommendations. While statewide jail data is unavailable, these statutory reforms saved over \$433,000 in the first 12 months of implementation, according to the Arapahoe County Sheriff's Office. Denver County Jail officials estimated the impact to be \$620,500 per year.

### **Barriers to education funding**

The Commission recommended the elimination of any statutory impediments to inmates' access to or funding for post-secondary education. House Bill 09-1264 removed statutory barriers allowing people in prison to receive grants or other funding to enroll in higher education classes. Data from DOC are unavailable to assess if this resulted in an increase in inmates' participation in post-secondary education.

### **Summons in lieu of arrest warrants**

The Commission encouraged law enforcement agencies to enact policies that are consistent with C.R.S. 16-5-206 and 16-5-207, relative to issuing summonses rather than arrest warrants on appropriate felony class 4, 5, and 6 crimes.

Specifically, the Commission recommended that, pursuant to C.R.S. 16-5-206 and 16-5-207, a summons be issued for misdemeanors, and class 4, 5 and 6 felonies, unless law enforcement presents in writing a basis to believe there is a significant risk of flight or that the victim or public safety may be compromised. House Bill 09-1262 addressed this recommendation.

### **Juvenile offenders transferred to adult court**

The Commission's Direct File Subcommittee proposed two significant modifications related to juvenile offenders. House Bill 09-1122 increased the age of eligibility to 19 years for sentencing to the Department of Correction's Youthful Offender System in lieu of adult prison. House Bill 09-1044 clarified that a juvenile conviction can be sealed even when it was originally filed in adult court and later transferred to juvenile court.

### **Cost savings**

The General Assembly passed House Bill 09-1351 as a cost savings measure, pursuant to a Commission recommendation. The bill increased earned time from 10 to 12 days each month of incarceration and parole for certain inmates, and encourages the parole board to consider certain inmates 30-60 days prior to the mandatory release date. The bill appropriated \$867,959 and 10.8 full time employment positions (FTE) to the Department of Corrections to manage changes in time computation and increase the number of parole officers to accommodate those released under this provision.

### **Statewide training in and implementation of evidence-based correctional practices**

The Commission recommended an investment in training on evidence-based practices to reduce recidivism. While this recommendation did not result in law changes, it did result in the state obtaining millions of dollars in Justice Assistance Grant/Byrne Grant funding. The Department of Public Safety received in 2009 a one-time \$2.1M federal grant in collaboration with the Division of Behavioral Health, the Department of Corrections, the Division of Probation Services, and the Office of Community Corrections to provide over two dozen "train the trainers" trainings and over 1,000 criminal justice professionals and private services providers in Motivational Interviewing®, the science of addiction and mental health problems, and evidence-based case management. This initiative, called Evidence Based Practices Implementation for Capacity, or EPIC, is underway. By September 2010, approximately 240 professionals had been trained in evidenced based correctional practices: approximately 90 were trained in Motivational Interviewing® and 150 in responding to individuals with behavioral

health problems. In addition, in 2009 and on behalf of the Commission, the Division of Behavioral Health was awarded \$1.48M in federal grant funds to develop a state-wide network of community-based criminal justice clinical specialists to coordinate the case management and clinical treatment services for adult offenders with behavioral health problems. Ten full-time specialists have been hired in mental health centers across the state to serve as the point of contact for criminal justice agencies referring clients. The goals of this project are to reduce recidivism by aligning offender supervision requirements with community treatment agency services including assessment, treatment, medication evaluations, residential services, benefits acquisition, and vocational training.

In late 2009, the Commission turned its attention to sentencing statutes. During the 2010 legislative session, several modifications to sentencing resulted from Commission recommendations. These affected statutes related to probation eligibility criteria, parole release guidelines, and escape penalties. The Commission's Drug Policy Task Force recommended reductions in criminal penalties associated with use and possession of controlled substances. This recommendation was enacted with House Bill 10-1352 and is expected to generate millions of dollars in prison costs averted which the Commission has recommended be directed toward substance abuse treatment programs.

Information about the activities of the Commission on Criminal and Juvenile Justice can be found at the Commission's web site, <http://cdpsweb.state.co.us/cccj/>.

## Colorado's Juvenile Justice and Delinquency Prevention Council

### Mission statement of the Juvenile Justice and Delinquency Prevention Council

Colorado's Juvenile Justice and Delinquency Prevention Council provides statewide leadership and advocacy to improve the juvenile justice system, prevent delinquency, and ensure equal justice and accountability for all youth while maximizing community safety.

### Core requirements of the Juvenile Justice and Delinquency Prevention (JJDP) Act

Established in 1974 and most recently reauthorized in 2002, the Juvenile Justice and Delinquency Prevention Act is a partnership between the U.S. government and the states and territories to protect children and youth in the juvenile and criminal justice system, adequately address delinquent behaviors and improve community safety by preventing juvenile crime and delinquency.

#### In short, the JJDP Act provides for:

- A U.S. juvenile justice planning and advisory system in all states, territories and the District of Columbia;
- Federal funding for delinquency prevention and improvements in state and local juvenile justice programs; and
- Operation of a federal agency—the Office of Juvenile Justice and Delinquency Prevention (OJJDP)—dedicated to training, technical assistance, model programs, and research and evaluation to support state and local efforts.

Under the Act, each state must establish a State Advisory Group on juvenile justice (SAG), submit a Three-Year State Plan for carrying out the purposes of the Act, and implement the Act's core requirements/protections at the state and local level.

The Act's goals are to prevent and reduce juvenile delinquency and improve the justice system by insuring appropriate sanctions and services, due process, proper treatment, and safe confinement for juveniles who are involved in the juvenile justice system. The core requirements of the Act are:

- **Deinstitutionalization of status offenders (DSO).** Juveniles charged with or who have committed offenses that would not be criminal if committed by an adult,

or such non-offenders as dependent and neglected children, shall not be placed in secure detention facilities or secure correctional facilities. These offenders include, but are not limited to truants, runaways, or minors in possession of alcohol. Violations occur when accused status offenders are held in secure juvenile detention centers for more than 24 hours (excluding weekends and holidays) and when adjudicated status offenders are held for any length of time in any adult jail or municipal lockup.

- **Sight and sound separation of juvenile and adult offenders.** During the temporary period that a juvenile may be held in an adult jail or lockup, no sight or sound contact between the juvenile and adult inmates or trustees is permitted.
- **Removal of juveniles from adult jails and lockups (jail removal).** Juveniles accused of committing a delinquent act may be held in temporary custody, not to exceed 6 hours, at an adult jail or lockup for the purpose of processing. Reports from the federal Office of Juvenile Justice and Delinquency Prevention show that juveniles held with adults for any period of time can easily be victimized, may be easily overwhelmed by a lock-up and may become suicidal. Adult facilities have neither the staff, programs nor training to best manage juveniles. Jail or secure lockup does not provide a deterrent.
- **Addressing the over representation of minorities in the juvenile justice system.** States are required to put forth efforts to reduce the disproportionate number of youth of color and other minorities who are detained or confined in secure facilities, or who have contact with any decision point of the juvenile justice system.

### Council overview

The Colorado Juvenile Justice and Delinquency Prevention Council serves as the state advisory group (SAG) as defined in Title II of the federal Juvenile Justice and Delinquency Prevention Act (JJDP) of 2002. The Governor appoints the Council members. Its members represent the broad scope of the juvenile justice system including government, community-based organizations, schools, and youth.

Colorado has actively participated in the JJDP since 1984. Through early comprehensive efforts, the Council and the Division of Criminal Justice (DCJ) have brought the state into compliance with the core requirements of the Act: the removal of status offenders and non-offenders from secure juvenile detention and correctional facilities, separation of juveniles from incarcerated adults, removal of juveniles

from adult jails and lock-ups, continued monitoring for compliance with these requirements, and development and implementation of a comprehensive plan to address the disproportionate representation of minority youth at all decision points of the juvenile justice system, including those confined in secure facilities.

Through 1994, the Council allocated grant funds primarily to meet the first three requirements related to the appropriate holding of juveniles. The Council remains dedicated to a continued comprehensive compliance monitoring system and provides support to local law enforcement to maintain the safe and appropriate holding of juveniles. The Council attributes successful compliance to the support and assistance from law enforcement, the Division of Youth Corrections, judges, probation officers, community-based youth-serving agencies, the legislature and the governor's office. Because of this success, grant funds are available for more wide-reaching efforts and the state maintains eligibility for additional funds through the JJDP Act Title V Delinquency Prevention Program.

The disproportionate contact of minority youth at all decision points of the juvenile justice system became a concern of the Council prior to its formal addition as a core requirement of the JJDP Act, and it continues to be a priority program area for grant funding. It is a core system improvement effort because it works toward fair and equitable treatment of all youth.

One of the responsibilities of the Council is to regularly undertake an analysis of the "state of the state" of delinquency prevention and intervention programs and policies. This analysis serves as the basis of the development of a three-year comprehensive state plan for the improvement of the juvenile justice system and prevention of juvenile delinquency as required by the Act. The purpose of this plan is to coordinate, develop, implement, monitor, and evaluate state and local efforts to improve outcomes for troubled youth. This occurs by addressing pressing issues, gaps in services, and funding reductions that threaten the progress that has been made in the areas of delinquency prevention and intervention. Collaboration and coordination with other state and local juvenile justice and delinquency prevention efforts are keys to this plan. The flexibility of the funds allocated under the plan, and the technical assistance available to the state through the plan, enable the Council and DCJ to address the gaps identified. Many entities are involved in the system including rural communities and the Native American tribal communities.

In preparation for development of the Council's Three Year Plan, and to collect meaningful information directly from

Colorado communities, the Council contracted with OMNI Institute to implement a web-based survey soliciting input from individuals across Colorado regarding where it should focus resources. The survey was designed to collect feedback on the importance of the 34 different grant program areas. After two weeks of data collection, 357 responses were submitted online.

The survey results were presented to and analyzed by the Council. The Council discussed what resources were already available across the state and prioritized prevention of delinquency by addressing the needs of high risk youth in the areas of:

- Disproportionate minority contact
- Mental health services
- Substance abuse services

The Council also affirmed its commitment to fund compliance monitoring of the Act, support for American Indian programming at both Ute Mountain Ute and Southern Ute Indian Tribes, and juvenile justice system improvements including training, research and evaluation efforts.

**Source:** Office of Adult and Juvenile Justice Assistance, Division of Criminal Justice, 2011.

## **Juvenile Justice and Delinquency Prevention Council Members, 2011**

| <b>Member</b>                                       | <b>Agency</b>                                                             |
|-----------------------------------------------------|---------------------------------------------------------------------------|
| <i>Dianne A. Van Voorhees,<br/>Council Chairman</i> | <i>Executive Director, Metro Volunteer Lawyers</i>                        |
| <i>Katie Wells,<br/>Council Vice Chair</i>          | <i>Division of Behavioral Health, CO Department of Human Services</i>     |
| <i>Donia Rae Amick</i>                              | <i>Lakewood Police Department</i>                                         |
| <i>Katy Avila</i>                                   | <i>Youth member</i>                                                       |
| <i>Bill Bane</i>                                    | <i>Division of Behavioral Health, CO Department of Human Services</i>     |
| <i>Michelle Brinegar</i>                            | <i>Chief Deputy District Attorney, 8th Judicial District</i>              |
| <i>Steve Brittain</i>                               | <i>Souther Ute Indian Tribe, Director of the Dept. of Social Services</i> |
| <i>Alison Buganovich</i>                            | <i>Youth member</i>                                                       |
| <i>Lisa Calderon</i>                                | <i>Director, Community Reentry Project</i>                                |
| <i>Jennifer Capps</i>                               | <i>Metropolitan State College of Denver</i>                               |
| <i>Susan Colling</i>                                | <i>State Court Administrator's Office</i>                                 |
| <i>Bob Coulson</i>                                  | <i>Division of Child Welfare, CO Department of Human Services</i>         |
| <i>Kayla Duran</i>                                  | <i>Youth member</i>                                                       |
| <i>Regis Groff</i>                                  | <i>Private citizen</i>                                                    |
| <i>Joe Higgins</i>                                  | <i>Mesa County Partners</i>                                               |
| <i>Ernest House, Jr.</i>                            | <i>Colorado Springs Chamber of Commerce</i>                               |
| <i>Larry Hudson</i>                                 | <i>Greenberg Traurig, LLC</i>                                             |
| <i>Michelle Molinar-Dominguez</i>                   | <i>Youth member</i>                                                       |
| <i>Gerry Oyen</i>                                   | <i>Sheriff Representative</i>                                             |
| <i>Stan T. Paprocki</i>                             | <i>Division of Behavioral Health, CO Department of Human Services</i>     |
| <i>Bob Pence</i>                                    | <i>Private citizen/consultant</i>                                         |
| <i>Kristen Podgurski</i>                            | <i>Youth member</i>                                                       |
| <i>Bonnie Saltzman</i>                              | <i>Attorney</i>                                                           |
| <i>David Shakes</i>                                 | <i>4th Judicial District Judge</i>                                        |
| <i>Deborah Leah Staten</i>                          | <i>Principal of Mountain View Youth Services Center</i>                   |
| <i>Raiana VandenBroek</i>                           | <i>Youth member</i>                                                       |
| <i>Pam Wakefield</i>                                | <i>Attorney</i>                                                           |
| <i>Debbie Wilde</i>                                 | <i>Executive Director, YouthZone</i>                                      |
| <i>Jeremy Wilson</i>                                | <i>Youth member</i>                                                       |

## **Office of Adult and Juvenile Justice Assistance Staff**

|                              |                        |
|------------------------------|------------------------|
| <i>Meg Williams, Manager</i> |                        |
| <i>Yvonne Anderson</i>       | <i>Sue Bradley</i>     |
| <i>Danica Brown</i>          | <i>Susan Davis</i>     |
| <i>Cindy Johnson</i>         | <i>Bruce Langdson</i>  |
| <i>Anna Lopez</i>            | <i>Michele Lovejoy</i> |
| <i>Kenya Lyons</i>           | <i>Deb Ristow</i>      |
| <i>Tammy Russ</i>            | <i>Kinzie Wallden</i>  |

## Who goes to prison?

The Division of Criminal Justice, Office of Research and Statistics, profiled a sample of offenders sentenced to probation and to prison in 2006. Researchers hand-collected data directly from 3,254 felony court files in ten judicial districts. The cases were filed in 2004, 2006 or 2006, and closed in 2006. Escape convictions and cases with technical violations were oversampled to ensure that sufficient information on these events would be available for analysis. This type of sampling plan is referred to as a stratified sample, and it allows for detailed analysis of certain types of criminal events such as escape, drug offenses, and technical violations. These types of events are often of interest to policy makers, and this sample design is responsive to policy questions. However, it is not an accurate representation of the distribution of all felony filings in the ten districts.

Table 6.1. DCJ court data sample (N=3,254)

| Conviction crime type           | N            | Percent     |
|---------------------------------|--------------|-------------|
| Prison (DOC)                    | 1,388        | 42.7%       |
| Probation Only                  | 885          | 27.2%       |
| Probation/community corrections | 116          | 3.6%        |
| Probation & jail                | 270          | 8.3%        |
| Technical violators             | 417          | 12.8%       |
| Escape                          | 178          | 5.5%        |
| <b>Total</b>                    | <b>3,254</b> | <b>100%</b> |

**Source:** Data collected by DCJ researchers from 10 judicial districts (17 counties: Denver, Jefferson, El Paso, Weld, Mesa, Boulder, Broomfield, Douglas, Teller, Gilpin, Jackson, Adams, Arapahoe, Elbert, Lincoln, and Larimer). These judicial districts were chosen based on the top 10 judicial districts for filings in 2005. The sample is made up of 3,254 court cases from 2004, 2005, and 2006 that closed in 2006.

Table 6.1 shows that for 18 percent of the sample the most serious conviction crime was a violent offense and 45 percent had a non-violent crime as their most serious offense. Nearly one-fourth of the sample (757 cases) were convicted of a drug crime and another 13.7 percent (445 cases) were convicted of escape. The size of these conviction

groups allows for detailed analysis of prior adult and juvenile criminal history.

Only those in the prison and probation samples are included in Table 6.2. As shown, those whose most serious conviction crime was violent were most likely to be sentenced to DOC. Nearly all those convicted of escape went to DOC, which is not surprising given that Colorado statute mandates a prison sentence for escape convictions.

### Of offenders sentenced to prison with DRUG convictions:

- Six percent had no criminal history recorded in the case file
- 59 percent had a history of violent crimes
- 30 percent had a history of drug crimes
- Two percent had prior escapes
- Three percent had a history of other nonviolent crimes only

### Of offenders sentenced to prison with ESCAPE convictions:

- 61 percent had a history of violent crimes
- 20 percent had a history of drug crimes
- Four percent had prior escapes
- 15 percent had a history of other nonviolent crimes only

### Of offenders sentenced to prison with OTHER NON-VIOLENT convictions:

- 69 percent had a history of violent crime
- 18 percent had a history of drug crimes
- 10 percent had a history of other nonviolent crimes only
- Three percent had prior escapes
- Just over zero percent had no criminal history recorded in the case file

Table 6.2. Sample detail: Most serious conviction and sentence type (N=2,659)

| Most serious conviction crime | DOC   | Probation only | Probation/ community corrections | Probation & jail | TOTAL |
|-------------------------------|-------|----------------|----------------------------------|------------------|-------|
| Violent                       | 55.0% | 33.2%          | 2.0%                             | 9.8%             | 100%  |
| Drug                          | 43.7% | 40.7%          | 6.3%                             | 9.3%             | 100%  |
| Escape                        | 99.3% | 0.0%           | 0.7%                             | 0.0%             | 100%  |
| Non-violent                   | 45.0% | 36.9%          | 5.2%                             | 13.0%            | 100%  |

**Source:** Data collected by DCJ researchers from 10 judicial districts (17 counties: Denver, Jefferson, El Paso, Weld, Mesa, Boulder, Broomfield, Douglas, Teller, Gilpin, Jackson, Adams, Arapahoe, Elbert, Lincoln, and Larimer). These judicial districts were chosen based on the top 10 judicial districts for filings in 2005. The sample is comprised of 3,254 court cases from 2004, 2005, and 2006 that closed in 2006.

## Of NON-VIOLENT offenders sentenced to prison:

- 1.6 percent had NO criminal history recorded in the case file. Of these:
  - > 93 percent were sentenced to DOC with drug convictions
  - > 87 percent were convicted of class 3 and 4 felonies
  - > 64 percent were involved with cocaine
  - > 40 percent were involved with methamphetamine
  - > 77 percent were illegal residents
  - > 87 percent did not speak English
- 35 percent had drug, escape or other nonviolent crimes in their past
- 65 percent had a history of violent crime

### What about the service needs of those who were sentenced to DOC in 2006?

- **24 percent had mental health problems\***
- **47 percent had alcohol problems\***
- **80 percent had drug problems\***
- **15 percent were homeless prior to incarceration**
- **50 to 80 percent are unemployed**

\*A broad definition of service need was used when collecting this information. The information is based on researchers' subjective interpretation of these criteria:

- 0 = No problem
- 1 = yes, but no interference with functioning
- 2 = some disruption
- 3 = serious disruption, needs treatment

## Many non-violent offenders sentenced to DOC in 2006 had prior violent crimes (including arrest or conviction crimes as either a juvenile or an adult):

| Sentenced to DOC      | Violent history |
|-----------------------|-----------------|
| Drug offenders        | 59 percent      |
| Escape offenders      | 61 percent      |
| Non-violent offenders | 69 percent      |

## Who were the 35 percent sentenced to prison with no violent conviction crimes and with only drug, escape or other nonviolent crimes in their past?

- They had an average Level of Supervision Inventory (LSI) score of 30.1, which indicates a high level of risk.
- They had an average of 4.7 prior adult and juvenile arrests.

Table 6.3. Most serious CURRENT conviction crime for those with no current violent conviction charge and no history of violent crime, but sentenced to DOC in 2006 (n=315)

| Most serious current conviction crime | N          | Percent     |
|---------------------------------------|------------|-------------|
| Drugs                                 | 83         | 26.3%       |
| Escape                                | 95         | 30.2%       |
| Burglary                              | 23         | 7.3%        |
| Criminal trespass                     | 4          | 1.3%        |
| Theft                                 | 32         | 10.2%       |
| Fraud                                 | 45         | 14.3%       |
| Motor vehicle theft                   | 16         | 5.1%        |
| Other non-violent                     | 10         | 3.2%        |
| Custody/contraband                    | 1          | 0.3%        |
| Misc motor vehicle                    | 4          | 1.3%        |
| Misc misdemeanors                     | 1          | 0.3%        |
| Misc inchoate                         | 1          | 0.3%        |
| <b>Total</b>                          | <b>315</b> | <b>100%</b> |

**Source:** Data collected by DCJ researchers from 10 judicial districts (17 counties: Denver, Jefferson, El Paso, Weld, Mesa, Boulder, Broomfield, Douglas, Teller, Gilpin, Jackson, Adams, Arapahoe, Elbert, Lincoln, and Larimer). These judicial districts were chosen based on the top 10 judicial districts for filings in 2005. The sample is made up of 3,254 court cases from 2004, 2005, and 2006 that closed in 2006.

## What happens to offenders who violate probation? Do they all go to prison?

Table 6.4. Probation technical violators: Penalty (N=417)

| Placement                | N          | Percent     |
|--------------------------|------------|-------------|
| To DOC                   | 212        | 29.0%       |
| To community corrections | 36         | 8.6%        |
| Probation reinstated     | 194        | 46.5%       |
| To jail or work release  | 66         | 15.8%       |
| <b>Total</b>             | <b>417</b> | <b>100%</b> |

**Source:** Data collected by DCJ researchers from 10 judicial districts (17 counties: Denver, Jefferson, El Paso, Weld, Mesa, Boulder, Broomfield, Douglas, Teller, Gilpin, Jackson, Adams, Arapahoe, Elbert, Lincoln, and Larimer). These judicial districts were chosen based on the top 10 judicial districts for filings in 2005. The sample is made up of 3,254 court cases from 2004, 2005, and 2006 that closed in 2006.

- In 2006, about 29 percent of those with probation revocations went to prison
  - > Of these, 17 percent had a current conviction for a violent crime
  - > 68 percent had a prior arrest or conviction for a violent crime
  - > About one-quarter had current convictions for drug crimes
  - > Three percent had no prior criminal history recorded in the case file.

Table 6.5. Probation technical violators revoked to DOC (N=212)

| Original conviction crime type |             | Prior criminal history |             |
|--------------------------------|-------------|------------------------|-------------|
|                                |             | None                   | 2.9%        |
| Violent                        | 17.4%       | Violent history        | 67.7%       |
| Drugs                          | 25.6%       | Drug history           | 17.9%       |
| Escape                         | 0.8%        | Escape history         | 2.3%        |
| Non-violent                    | 56.2%       | Non-violent only       | 9.2%        |
| <b>Total</b>                   | <b>100%</b> | <b>Total</b>           | <b>100%</b> |

**Source:** Data collected by DCJ researchers from 10 judicial districts (17 counties: Denver, Jefferson, El Paso, Weld, Mesa, Boulder, Broomfield, Douglas, Teller, Gilpin, Jackson, Adams, Arapahoe, Elbert, Lincoln, and Larimer). These judicial districts were chosen based on the top 10 judicial districts for filings in 2005. The sample is made up of 3,254 court cases from 2004, 2005, and 2006 that closed in 2006.

## What is the impact of incarceration on crime?<sup>3</sup>

Given the increased use of incarceration as a crime control strategy, this review provides a summary of recent research on the impact of incarceration on crime. Numerous studies on the topic have been undertaken in recent years, though none are specific to Colorado.

### Crimes are averted by incarceration

Incarceration can affect crime in a number of ways. First, crimes may be averted because offenders in prison or jail are *incapacitated*. As long as offenders are locked up, they cannot commit crimes in the community. Second, the threat of incarceration may *deter* potential individuals from committing criminal acts. Finally, the prison experience itself may deter those who have been incarcerated from resuming criminal conduct once they return to the community.

### Targeting high rate offenders is key to effectiveness

One of the most comprehensive analyses of the frequency of offending was conducted by Blumstein et al. (1986) and published in the National Academy of Sciences report *Criminal Careers and Career Criminals*. Averages of 2 to 4 violent crimes per year for active violent offenders and 5 to 10 property crimes per year for active property offenders were reported. Estimates derived from self-reports of *inmates* were higher.<sup>4</sup> Before being incarcerated, those who were active in robbery committed an average of 15 to 20 robberies annually and those who were active in burglary committed 45 to 50 burglaries. Blumstein et al. also found that the median offender commits very few crimes annually, while a small percentage of offenders commit more than 100. This research was replicated in Colorado by the Division of Criminal Justice (Mande & English, 1988;<sup>5</sup> and English & Mande, 1992),<sup>6</sup> interviews with nearly 2,000 prisoners in the Colorado Department of Corrections (DOC) found the average self-reported crime rate to be less than ten crimes per year across eight crime types.

**Interviews with nearly 2,000 prisoners in the Colorado Department of Corrections (DOC) found the average self-reported crime rate to be less than ten crimes per year across eight crime types. (Mande and English, 1988;<sup>5</sup> English and Mande, 1992)<sup>6</sup>**

### Property crimes most likely to be averted

One of the more frequently cited studies on the number of crimes averted when an offender is incarcerated was published by economist Steven Levitt.<sup>7</sup> Using data from 12 states for the years 1971 to 1992, Levitt estimated that each additional prisoner leads to a reduction of between 5 and 6 reported crimes per year. Including unreported crime raises the total to 15 crimes eliminated per prisoner per year. The bulk of the crime reduction – about 80 percent – is in property crimes. A 1994 study by Marvell and Moody produced generally similar estimates.<sup>8</sup> They examined incarceration rate data from 49 states for the years 1971 to 1989 and estimated that about 17 crimes, primarily property, were averted annually for each additional prisoner behind bars.

More recently, Bhati (2007) used arrest data from the mid-1990s from 13 states to estimate the number of crimes averted by incapacitation.<sup>9</sup> The average number of crimes against persons averted annually was 1.93 (with a median of 1.41), while the average number of property crimes averted annually was 8.47 (with a median of 5.75). The estimated mean number of *all* crimes averted annually was 18.5 (with a median of 13.9).

Researchers have noted that the number of crimes averted is linked to the type of crime. A careful analysis by Cohen and Canela-Cacho (1994) found that incarcerating violent offenders was associated with crime reduction, but imprisoning drug offenders had no effect on crime.<sup>10</sup> Incarcerated property and drug offenders seem to be “replaced” in the community, confounding the ability to estimate the effect of incarceration on overall crime.

<sup>3</sup> Excerpted from Przybylski, R. (2008). *What works? Effective recidivism reduction and risk-focused prevention programs*. Lakewood, CO: RKP Group. Available at [http://dcj.state.co.us/ors/pdf/docs/WW08\\_022808.pdf](http://dcj.state.co.us/ors/pdf/docs/WW08_022808.pdf).

<sup>4</sup> Blumstein, A., Cohen, J., Roth, J.A., & Visher, C.A. (1986). Introduction: Studying Criminal Careers. In A. Blumstein, J. Cohen, J.A. Roth, & Visher, C.A. Visher (Eds.), *Criminal Careers and “Career Criminals”* (Vol. 1, p. 12-30). Washington, DC: National Academy Press.

<sup>5</sup> Mande, M. & English, K. (1988). Validation of the Iowa Risk Assessment Scale on a 1982 Release Cohort of Colorado Inmates: Final Report for National Institute of Justice, Project Number 84-IJ-CX-0034. Denver, CO: Colorado Division of Criminal Justice, Department of Public Safety.

<sup>6</sup> Mande, M. & English, K. (1992). *Measuring crime rates of prisoners: Final report for National Institute of Justice, Project Number 87-IJ-CX-0048*. Denver, CO: Colorado Division of Criminal Justice, Department of Public Safety.

<sup>7</sup> Levitt, Steven D. (1996). The effect of prison population size on crime rates: Evidence from prison overcrowding litigation. *Quarterly Journal of Economics*, 111, 319–351.

<sup>8</sup> Marvell, T.B., & Moody, C.E. (1994). Prison population growth and crime reduction. *Journal of Quantitative Criminology*, 10, 109–140.

<sup>9</sup> Bhati, A.S. (2007). *An information theoretic method for estimating the number of crimes averted by incarceration*. Washington, D.C.: Urban Institute.

<sup>10</sup> Cohen, J. & Canela-Cacho, J. (2004). Incarceration and Violent Crime. In A. Reiss & J. F. Roth (Eds.), *Understanding and preventing violence, consequences and control, Vol. IV*, 2 (pp 296–388). Washington, DC: National Academy Press.

**Researchers have noted that the number of crimes averted is linked to the type of crime. A careful analysis by Cohen and Canela-Cacho (1994) found that incarcerating violent offenders was associated with crime reduction, but imprisoning drug offenders had no effect on crime.<sup>10</sup> Incarcerated property and drug offenders seem to be “replaced” in the community, confounding the ability to estimate the effect of incarceration on overall crime.**

### Does incarceration work to reduce the crime rate?

A considerable amount of research has examined the relationship between incarceration rates and crime rates in recent years. Overall, these studies have produced somewhat disparate results depending on the type of measures used. A 2007 report published by the Vera Institute for Justice provides a good illustration.<sup>11</sup> Fifteen different studies that examined the impact of incarceration on crime rates were identified in the Vera report, each with different conclusions. The estimated impact of a 10 percent increase in the incarceration rate ranged from a 22 percent reduction in serious crime to virtually no impact at all. One study reported a 28 percent reduction in violent index crimes for every 10 percent increase in the incarceration rate.

One reason for the variation in findings is the type of data used. Whereas some of the earliest studies used national data, more recent research has been based on state and community-level data. Researchers generally agree that localized data provide more accurate and reliable results.<sup>12</sup>

Studies using *national-level* homicide data report about a 15 percent drop in homicides with a 10 percent increase in the prison population. Recent studies using *state-level* crime data, however, have generally found a more modest impact on crime rates overall. For every 10 percent increase in the prison population, reductions in the index crime rate ranging from less than one percent to about four percent have typically been reported.

<sup>11</sup> Stemen, D. (2007). *Reconsidering incarceration: New directions for reducing crime*. New York, NY: Vera Institute of Justice.

<sup>12</sup> For example, see: MacKenzie, D. L. (2006). *What Works? Reducing the criminal activities of offenders and delinquents*. New York, NY: Cambridge University Press.

Two highly rigorous studies looking at incarceration and *violent crime* are worth noting. Rosenfeld (2000) analyzed the effect of incarceration growth on homicide using community-level data and concluded that, at most, incarceration explains 15-20 percent of the decline in adult homicide since 1980.<sup>13</sup> And Spelman's (2000) analysis of violent crime and prison data over a 25-year period ending in 1996 found that “the crime drop would have been 27 percent smaller than it actually was, had the prison buildup never taken place” (p. 123).<sup>14</sup>

### Incarceration and crime: Summary

As the 2007 Vera Institute report points out, one could use the available research to argue that an increase in incarceration is associated with a substantial drop in crime or no drop in crime at all. Despite the disparate findings, at least three conclusions can be drawn from the research:

1. The relationship between incarceration and crime rates is quite complex. The fact that crime has dropped over the past two decades while incarceration rates have increased is not conclusive evidence that prisons are effective. In fact, the relationship between higher rates of imprisonment and crime rates is quite uneven across time and jurisdictions. Zimring (2007), for example, recently showed the crime rates actually increased in the late 1980s when a 54 percent increase in incarceration occurred.<sup>15</sup>
2. The drop in crime that most jurisdictions experienced over the past two decades is primarily due to factors other than incarceration. Even those studies that have found the largest impacts of incarceration on crime conclude that factors other than incarceration are responsible for at least 75 percent of the crime drop that has occurred over the past two decades.
3. Incarceration has contributed to the drop in crime that occurred in recent years, but the size of that contribution is modest in comparison to other factors. The conclusions reached by several recent, highly rigorous studies are remarkably consistent in finding that a 10 percent higher incarceration rate was associated with a two to four percent reduction in the crime rate. While the impact on violent crime

<sup>13</sup> Rosenfeld, R. (2000). The Limited Importance of Prison Expansion. In A. Blumstein & J. Wallman (Eds.), *The crime drop In America*. New York, NY: Cambridge University Press.

<sup>14</sup> Spelman, W. (2000). The Limited Importance of Prison Expansion. In A. Blumstein & J. Wallman (Eds.), *The crime drop In America*, New York, NY: Cambridge University Press.

<sup>15</sup> Zimring, F. E. (2007). *The great American crime decline*. New York, NY: Oxford University Press.

may be appreciably greater, economic, demographic and other social factors have had a far greater impact on crime and violence than incarceration.

Research also demonstrates that the impact of incarceration on crime largely depends on who goes to prison and for what length of time.<sup>16</sup> Incarceration has a far greater impact and return on investment when it is used for violent and high-rate offenders. Prisons are expensive, but violent and career criminals impose tremendous financial and social costs on society. The empirical evidence is increasingly clear, however, that the increased use of incarceration for low-rate, non-violent offenders prevents and deters few crimes.<sup>17</sup>

***Incarceration has a far greater impact and return on investment when it is used for violent and high-rate offenders.***

### Diminishing returns

Several recent studies have confirmed that incarceration becomes less effective at reducing crime as the prison population grows.<sup>18</sup> From a policy making perspective, it is important to recognize that the increased use of imprisonment eventually results in diminishing returns. The reason for this is simple: locking up more and more people eventually leads to the incarceration of less serious offenders. When that happens, costs increase without a commensurate increase in public safety.

**Incarceration may increase crime.** But Liedka, Piehl and Useem (2006) also found that there is a point beyond which increases in the incarceration rate are actually associated

***The empirical evidence is increasingly clear, however, that the increased use of incarceration for low-rate, non-violent offenders prevents and deters few crimes.***<sup>17</sup>

with *higher* crime rates.<sup>19</sup> Using state-level prison and crime data from 1972 through 2000, they found that higher crime rates begin to occur when a state's incarceration rate reaches between 3.25 and 4.92 inmates per 1,000 persons in the general population. Colorado's incarceration rate in 2010 reached 4.45 per 1,000 persons.<sup>20</sup>

### Prison and recidivism

Another aspect of incarceration that research has examined is the relationship between imprisonment and post-release offending. Two meta-analyses conducted by Gendreau and his colleagues have actually found that imprisonment is associated with negative reoffending outcomes. Gendreau and colleagues (1999) conducted a meta-analysis of 50 studies involving more than 300,000 prisoners and found no evidence that prison sentences reduced recidivism. In fact, the more rigorous studies in that analysis found a strong connection between longer prison stays and increased recidivism.<sup>21</sup> In a separate meta-analysis conducted a few years later, Gendreau et al. (2002) found that incarceration was associated with an increase in recidivism when compared with community-based sanctions, and that longer time periods in prison (compared with shorter sentences) were associated with higher recidivism rates, too.<sup>22</sup> A systematic

***Several recent studies have confirmed that incarceration becomes less effective at reducing crime as the prison population grows.***<sup>18</sup>

<sup>16</sup> Austin, J., & T. Fabelo. (2004). *The diminishing returns of incarceration, a blueprint to improve public safety and reduce costs*. Malibu, CA: JFA Institute.

<sup>17</sup> See for example: Piehl, A.M., Useem, B., & Dilulio, J. (1999). *Right-sizing justice: A cost benefit analysis of imprisonment in three states*. (No. 8). New York, NY: Center for Civic Innovation at the Manhattan Institute. Aos, S. (2003). *The criminal justice system in Washington State: Incarceration rates, taxpayer costs, crime rates, and prison economics*. Olympia, WA: Washington State Institute on Public Policy. Available at <http://www.wsipp.wa.gov/pub.asp?docid=03-01-1202>.

<sup>18</sup> See for example: Spelman, W. (2000). The Limited Importance of Prison Expansion. In A. Blumstein & J. Wallman (Eds.), *The crime drop in America*, New York, NY: Cambridge University Press. Liedka, R., Piehl, A., & B. Useem. (2006). The crime-control effect of incarceration: Does scale matter? *Criminology and Public Policy*, 5, 245-276. Cohen, J. & Canela-Cacho, J. (2004). Incarceration and Violent Crime. In A. Reiss & J. F. Roth (Eds.), *Understanding and preventing violence, consequences and control*, Vol. IV, 2 (pp 296-388). Washington, DC: National Academy Press.

<sup>19</sup> Liedka, R., Piehl, A., & B. Useem. (2006). The crime-control effect of incarceration: Does scale matter? *Criminology and Public Policy*, 5, 245-276.

<sup>20</sup> Colorado Department of Corrections. (2011). *Statistical report: Fiscal year 2010*. Colorado Springs, CO: Office of Planning and Analysis, Colorado Department of Corrections. Available at <http://www.doc.state.co.us/opa-publications/97>.

<sup>21</sup> Gendreau, P., Goggin, C., & Cullen, F. (1999). *The effects of prison sentences on recidivism*. A Report to the Corrections Research and Development and Aboriginal Policy Branch, Solicitor General of Canada, Ottawa.

<sup>22</sup> Smith, P., Goggin, C., & Gendreau, P. (2002). *The effects of prison sentences and intermediate sanctions on recidivism: General effects and individual differences*. Public Works and Government Services, Canada.

review of the research published by Lipsey and Cullen (2007) reached similar conclusions. In summarizing the evidence on deterrence-oriented corrections programs and the effects of longer prison terms, the authors stated the following:<sup>23</sup>

*In sum, research does not show that the aversive experience of receiving correctional sanctions greatly inhibits subsequent criminal behavior. Moreover, a significant portion of the evidence points in the opposite direction—some such actions may increase the likelihood of recidivism. The theory of specific deterrence inherent in the politically popular and intuitively appealing view that harsher treatment of offenders will dissuade them from further criminal behavior is thus not consistent with the preponderance of available evidence.*

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<sup>23</sup> Lipsey, M.W., & Cullen, F.T. (2007). The effectiveness of correctional rehabilitation: A review of systematic reviews. *Annual Review of Law and Social Science*, 3.

## Research on desistance from crime<sup>24</sup>

Desistance refers to the transition from criminal to non-criminal conduct. Both abstinence and reduced offending have been used as measures in desistance research, and there is a growing consensus that desistance should be considered the sustained absence of offending along with positive social reintegration. While different measures of desistance can lead to different research findings, the scientific evidence is remarkably consistent that people who desist from crime are better integrated into pro-social roles in the family, workplace and community.<sup>25</sup>

***The scientific evidence is remarkably consistent that people who desist from crime are better integrated into pro-social roles in the family, workplace and community. Other factors such as education and reduced consumption of drugs promote desistance too.***

### Promoting desistance from crime

**Employment, marriage, and aging are linked to desistance.** Desistance from crime was a major focus of a recent study conducted by a committee of researchers for the National Research Council (NRC, 2008). In the report *Parole, Desistance from Crime, and Community Integration*, criminologist Joan Petersilia and her colleagues on the committee identified family and work as being particularly important in the desistance process. Marriage, especially strong marital attachment, is a significant factor in desistance for men and to a lesser extent for women. Strong ties to work and stable employment also can lead to desistance. Other factors such as education and reduced consumption of drugs promote desistance too. Perhaps the most obvious and simplest pathway to desistance from crime is aging: offending declines with age for all offenses.

**Individualize the intervention.** Several other important findings emerged from the work of the NRC.

1. Desistance from crime varies widely among parolees. In the words of the report's authors, "when it comes to desistance or recidivism, there is no such thing as the 'average' parolee." Parolees need to be viewed as a heterogeneous population.
2. The time period immediately following release from prison is the riskiest for the offender and the public. In fact, the peak rates for reoffending occur in the very first days and weeks out of prison. Arrest rates then decline over time, especially for property and drug crimes.
3. Death rates for new releases are disproportionately high, with drug overdose, homicide and suicide accounting for three of the four leading causes of death.

***The time period immediately following release from prison is the riskiest for the offender and the public.***

Given the importance of stable employment and marriage, public policies that block employment and other opportunities such as housing for ex-offenders to resume a regular life in the community are likely to serve as a barrier to desistance, eventually leading to higher rates of reentry failure. Conversely, programs and policies that reduce criminogenic risk factors (see sidebar for a description of criminogenic needs) and promote successful reentry are likely to lead to higher rates of desistance and greater public safety. The evidence that reoffending declines over time and is most likely to occur soon after release suggests that supervision and transition service strategies are likely to be most cost-effective when they focus on immediate needs and the first weeks and months after release.

Overall, the NRC report, along with other studies, underscores the need for evidence-based recidivism reduction programs both in prisons and the community. On their own, incarceration and community supervision have little positive impact on recidivism rates and desistance from crime, and many if not most offenders are likely to fail and return to prison without treatment and transitional services.<sup>26</sup>

<sup>24</sup> Excerpted from Przybylski, R. (2008). *What works? Effective recidivism reduction and risk-focused prevention programs*. Lakewood, CO: RKP Group. Available at [http://dcj.state.co.us/ors/pdf/docs/WW08\\_022808.pdf](http://dcj.state.co.us/ors/pdf/docs/WW08_022808.pdf).

<sup>25</sup> National Research Council. (2008). *Parole, desistance from crime, and community integration*. Washington, D.C.: Committee on Community Supervision and Desistance from Crime. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. The National Academies Press.

<sup>26</sup> See for example, Solomon, A., Kachnowski, V. & Bhati, A. (2005). *Does parole work? Analyzing the impact of postprison supervision on rearrest outcomes*. Washington, DC: Urban Institute. In Maruna, S. & Toch, H. (2005). *The impact of imprisonment on the desistance process*. In J. Travis & C. Visser (Eds.), *Prisoner reentry and crime in America* (pp. 140). New York, NY: Cambridge University Press. In Smith, P., Goggin, C., & Gendreau, P. (2002). *The effects of prison sentences and intermediate sanctions on recidivism: General effects and individual differences. Report JS42-103/2002*. Ottawa, Ontario: Solicitor General of Canada.

The following summarizes the findings from the NCR's report on desistance from crime:

- Releasees who have just served their first prison sentence have much lower rates of recidivism than those who have been imprisoned multiple times, regardless of age, ethnicity, gender, and crime type.
- Cognitive-behavioral treatment programs can reduce recidivism significantly, especially among young people and high-risk offenders.
- Inadequate program implementation threatens the benefit these programs might provide.
- The first days and weeks out of prison are the riskiest for both the releasee and the public. Recidivism is most likely during this period, and death rates among the released population are 12 times that of the general population in the first weeks following release.
  - > Concentrating supervision and services in the first days and weeks out of prison is likely to have the greatest effect on recidivism reduction.
- Strong ties to work, and good and stable marriages, appear to be particularly important in reducing recidivism.
- Administrators of both in-prison and post release programs should redesign their activities and redirect their resources to provide major support at the time of release.
- Individuals should not leave prison without an immediately available plan for post release life, including:
  - > Intensive and detailed prerelease and post release counseling;
  - > Immediate enrollment in drug treatment programs;
  - > Intense parole supervision;
  - > Assistance finding work;
  - > Short-term halfway houses;
  - > Mentors who are available at the moment of release;
  - > Assistance in obtaining identification, clothes, and other immediate needs.
- Intensive supervision increases recidivism unless it is combined with drug treatment, community service, and employment programs.
  - > Employment and education programs must provide workers with credentials that meet private-sector demands.
- Positive incentives for supervision compliance are important complements to sanctions for behaviors

that violate conditions of supervision (incentives and rewards for specific positive behaviors can include less intrusive supervision and the remission of previously collected fines).

- Greater contact with family during incarceration (by mail, phone, or in-person visits) is associated with lower recidivism rates.

Finally, the NRC authors suggest that the goal of crime reduction programs be “less offending, and less serious offending,” rather than zero offending, particularly by high-rate offenders released from prison: “Empirical research on desistance [from crime] has consistently demonstrated that this goal can be achieved.”<sup>27</sup>

### What are criminogenic needs

*There are two basic types of criminal risk factors: (1) static, which cannot be changed (e.g., criminal history, age), and (2) dynamic, which are malleable. **Dynamic risk factors are also known as criminogenic needs** because they are amenable to change and are appropriate targets for intervention and case management. These risk/needs factors include criminal attitudes, thinking and values, unstable living arrangements, lack of employment, antisocial peer associations, problems with substance abuse and lack of self-control. There are also non-criminogenic needs, that is, factors that research has not linked with criminal conduct. These include anxiety and low self-esteem.*

<sup>27</sup> Laub, J., & Sampson, R. J. (2003). *Shared beginnings, divergent lives: Delinquent boys to age 70*. Cambridge, MA: Harvard University Press; Sampson, R.J., & Laub, J.H. (2003). Desistance from crime over the life course. In Mortimer, J.T., & Shanahan, M.J., (Eds.), *Handbook of the life course*. New York, NY: Kluwer Academic/Plenum; Sampson, R. J., Laub, J.H., & Wimer, C. (2006). Does marriage reduce crime? A counterfactual approach to within-individual causal effects. *Criminology*, 44, 465-508; Ezell, M.E., & Cohen, L.E. (2005). *Desisting from crime: Continuity and change in long-term crime patterns of serious chronic offenders*. Oxford, UK: Oxford University Press.

## Escape: Mandatory consecutive sentences

*A position paper prepared by the Post-Incarceration Supervision Reentry Task Force of the Colorado Commission on Criminal and Juvenile Justice. Excerpted from the Commission's December 2008 annual report.*

### Background

This analysis was prompted by questions identified by members of the Post-Incarceration Supervision Task Force of the Colorado Commission on Criminal and Juvenile Justice. The Task Force is charged with identifying barriers to successful prisoner reentry into the community and potential solutions to these barriers. The Task Force is reviewing evidence-based correctional practices that reduce recidivism and victimization, and the Commission's statutory mandate includes the promulgation of practices that make the most cost effective use of expensive correctional resources.

Two primary concerns prompted this analysis: (1) the mandatory consecutive sentence provision for escape convictions, and (2) the statutory definition that is not restricted to escape from secure facilities. Regarding the first concern, it is noteworthy that for nearly all other criminal sentences, consecutive sentences are at the discretion of the judge. Further, current statute requires a prison sentence. This broad brush approach to sentencing policy is not supported by the criminology literature which consistently reports the need for individualized interventions to reduce the likelihood of new criminal behavior and victimization.<sup>28</sup> In addition, this policy increases the prison population when the escape sentence is longer than the sentence for the original crime.

Second, the broad definition of escape subjects many individuals to the mandatory sentencing provision. Fewer than ten individuals escape from a secure Department of Corrections facility every year.<sup>29</sup> However, over 1,100 individuals annually are convicted of escape for behaviors that

range from running from a police car<sup>30</sup> to failing to return on time to a halfway house. For the same behavior that results in issuing an arrest warrant and pursuing a technical violation for those on probation, hundreds of individuals every year receive lengthy prison sentences because of their particular criminal justice status.

In addition to the rare occurrence of an escape from a secure prison facility, escape charges can result from any of the following behaviors:

- Absconding while on intensive parole supervision, including electronic home monitoring;
- Absconding from community centers where an individual may have been placed as a condition of parole;
- Not returning to a halfway house;
- Not returning from jail work release;<sup>31</sup> and
- Absconding from a juvenile commitment center.<sup>32</sup>

Mandatory consecutive sentences and the broad definition of escape have been the subject of much debate by the state's criminal justice policy community, and legislation was proposed in 2007 and 2008 to modify these statutes. The Task Force requested that data on escape convictions be compiled and used to further this discussion. Researchers from the Division of Criminal Justice and the Department of Corrections worked together to provide the data presented here.

### Task Force questions

- What do we know about the current implementation of these policies? Can we profile the offenders charged and convicted of escape?
- What is the evidence that those individuals whose criminal justice status makes them eligible for escape convictions are at a particularly high risk of committing a new crime?
  - > Community corrections board members historically indicated their favor of the mandatory consecutive escape charge as a consequence for the "violation of public trust."
  - > Years ago, local stakeholders said they would approve DOC's Intensive Supervision Program only if mandatory consecutive escape charges applied to the population.

<sup>28</sup> Latessa, E.J., & Lowenkamp, C. (2006). What works in reducing recidivism? *University of St. Thomas Law Journal*, 521-535; Gendreau, P., & Goggin, C. (1995). *Principles of effective correctional programming with offenders*. Fredericton, New Brunswick, Canada: Center for Criminal Justice Studies and Department of Psychology, University of New Brunswick; McGuire, J. (2001). What works in correctional intervention? Evidence and practical implications. In G. A. Bernfeld, D.P. Farrington, & A. W. Leschied (Eds.), *Offender rehabilitation in practice: Implementing and evaluating effective programs* (pp. 25-43). Chichester, West Sussex, UK: John Wiley & Sons; Gendreau, P., Goggin, C., & Fulton, B. (2001). Intensive supervision in probation and parole settings. In C. R. Hollin (Ed.), *Handbook of offender assessment and treatment* (pp. 195-204). Chichester, West Sussex, UK: John Wiley & Sons.

<sup>29</sup> Rosten, K. (2008). *Statistical report fiscal year 2007*. Colorado Springs, CO: Colorado Department of Corrections.

<sup>30</sup> Division of Criminal Justice researchers examined over 400 district court case files and documented the behaviors associated with escape charges. The charge for running from a police car is often vehicular eluding; in many cases reviewed by researchers, these individuals were also charged with escape.

<sup>31</sup> Escape charges may be filed against individuals who are on work release or diversion community corrections as a condition of probation.

<sup>32</sup> DOC also houses individuals who escaped from juvenile facilities after they turned 18 years old.

- Is the mandatory consecutive escape statute consistent with the research on evidence-based practices?
  - > Implementing evidence-based correctional practice, an objective of the Commission on Criminal and Juvenile Justice, requires the use of individualized risk/needs assessments to direct criminal justice interventions rather than mandatory policies.
- Is this escape statute encouraging the use of incarceration for the most dangerous offenders?
  - > The experience of task force members led them to conclude that most escapes are impulsive acts and are often associated with substance abuse activity. Deterrence has minimal impact in these circumstances.
- Is this policy cost effective?

### Organization of this paper

This position paper relies on research, and so it begins with a brief description of the sources of the Colorado-specific data presented below. Next, the paper describes escape locations and the impact of escape convictions on the DOC population. Then, using data from the Judicial Branch and the Department of Corrections, it provides answers to some

commonly asked questions about the population of offenders convicted of escape. The paper concludes with a brief review of research by national experts.

### Data sources

Several sources of data were used in the analyses presented below. Conviction data from the Judicial Branch and DOC release data was analyzed by researchers at the Colorado Division of Criminal Justice (DCJ), and DOC researchers analyzed prison admission data.

### Impact of current escape laws

In 2006, over 90 percent of escape convictions received a prison sentence,<sup>33</sup> and over three-quarters of those convicted received a consecutive sentence for escape.<sup>34</sup>

The mandatory consecutive escape conviction is part or all of the governing sentence for over half of those sentenced to DOC for escape.<sup>35</sup> The *governing sentence* is the sentence or combination of sentences imposed that governs the incarceration and parole periods of a given offender. Escape is the governing offense for about five percent of new court commitments to prison (see Table 6.6). In FY 2007 this totaled approximately 340 individuals. In addition, since

Table 6.6. Governing offense type by DOC admission type: FY 2000-FY 2007<sup>36</sup>

| Year        | 2000  | 2001  | 2002  | 2003  | 2004  | 2005  | 2006  | 2007  | Total  |
|-------------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
| Total Cases | 4,044 | 4,324 | 4,905 | 5,107 | 5,146 | 5,755 | 6,201 | 6,513 | 41,995 |
| Violent     | 30.1% | 30.2% | 29.3% | 30.1% | 28.6% | 26.5% | 27.2% | 27.6% | 28.5%  |
| Drug        | 26.3% | 26.7% | 29.1% | 26.7% | 27.4% | 26.4% | 26.4% | 26.8% | 27.0%  |
| Escape      | 6.0%  | 5.8%  | 4.6%  | 4.5%  | 5.1%  | 6.5%  | 5.8%  | 5.3%  | 5.4%   |
| Other       | 37.6% | 37.3% | 37.0% | 38.8% | 38.9% | 40.6% | 40.7% | 40.3% | 39.1%  |
| Total       | 100%  | 100%  | 100%  | 100%  | 100%  | 100%  | 100%  | 100%  | 100%   |

**Notes:** the offense identified here is the most serious crime associated with the current incarceration. *It is likely that many more escape convictions occur with this population, but the offense data presented here reflect only the single most serious crime.*

**Source:** Data extracts provided by DOC and analyzed by DCJ. Data are considered preliminary, and may vary from that published by DOC. These data are based on sentencing data which differ slightly from strict admission numbers.

<sup>33</sup> DCJ's Office of Research and Statistics analyzed data on 448 offenders sentenced for escape in 2006. This group is a random sample of offenders from ten judicial districts across the state (1st, 2nd, 4th, 8th, 10th, and 17th through 21st). The data were hand-collected by DCJ staff that pulled individual case files and collected data on-site, with permission from officials at the Judicial Branch.

<sup>34</sup> Rosten, K. (2008). *Statistical report fiscal year 2007*. Colorado Springs, CO: Colorado Department of Corrections.

<sup>35</sup> Ibid.

<sup>36</sup> Source for Tables 6.6 and 6.7: Data extracts provided by DOC. Data are considered preliminary, and may vary from that published by DOC. These data are based on sentencing data which differ slightly from strict admission numbers. Violent crimes include homicide, assault, kidnap, child

abuse, sexual assault, robbery, extortion, intimidation, retaliation and riots in detention facilities. Escape also includes aiding escape, attempted escape, attempted escape while in custody, escape insanity law, escape pursuant to extradition, offenses relating to custody and contraband and violation of a bail bond. The 'other' crimes category includes burglary, theft, forgery, fraud, motor vehicle theft, arson, weapons violations, parental custody violations, contributing to the delinquency of a minor, offenses against public peace, dueling, criminal libel, false reporting, possession of contraband, unspecified inchoate offenses, obstructing law enforcement, vandalism, criminal trespassing, criminal mischief, bribery, criminal negligence, non-support of family, perjury, tampering, traffic-related violations, workers' compensation fraud, social services fraud, destruction of wildlife, hazardous waste violations, habitual criminal, organized crime control act.

Table 6.7. Parole returns to DOC, most serious crime: FY 2000-FY 2007

[illegible]

**Note:** Escape convictions in this table reflect the most serious crime for which the returned parolee is serving a prison sentence; for some small portion of those with escape convictions in Table 6.6, their original conviction crime may have been escape and their return charge is a lesser sentence.

**Source:** Data extracts provided by DOC and analyzed by DCJ. Data are considered preliminary, and may vary from that published by DOC. These data are based on sentencing data which differ slightly from strict admission numbers.

FY 2000, almost one-third (31.8 percent) of parole violators with a new felony conviction returned to prison with escape as their most serious crime (see Table 6.7). In FY 2007, this totaled over 330 parole readmissions to DOC for escape, in addition to the 340 new court commitments for escape. Another 579 were admitted to DOC in FY 2007 with escape convictions that were *not* part of the governing sentence so did not increase the length of the offenders' prison term. However, apart from the impact of consecutive sentences on the growing prison population, escape convictions contribute to habitual offender status which again contributes to prison population growth.

## Frequently asked questions

**How many individuals are in prison with an escape or attempted escape conviction?**<sup>37</sup>

- FY 2005 1,248
- FY 2006 1,391
- FY 2007 1,249<sup>38</sup>

### Where did they escape from?<sup>39</sup>

- 32.4 percent escaped from diversion community corrections
- 27.2 percent escaped from parole

- 24.7 percent escaped from transition community corrections
- 15.8 percent escaped from jail work release, day reporting, or electronic home monitoring

**How often is escape the offense charged but not convicted?**<sup>40</sup>

As shown in Table 6.8, in 2006, 56 percent of individuals who received court filings for escape were actually convicted of escape.

Table 6.8. A sample of escape charges filed and convicted in 2006

| Escape charges   | Filed      | Convicted  |
|------------------|------------|------------|
| Aiding Escape    | 1          | 1          |
| Assisting Escape | 5          | 1          |
| Attempted Escape | 248        | 331*       |
| Escape           | 449        | 113        |
| <b>Total</b>     | <b>703</b> | <b>446</b> |

**Notes:** \*The number of attempted escape convictions is higher than the number of attempted escape charges (filings). This is because many of the attempted escape charges were added to or amended to the original charge of escape. This means that this charge was added to the original charge and then the individual was convicted only on the attempted charge.

**Source:** The Division of Criminal Justice's Office of Research and Statistics analyzed data on 448 offenders sentenced for escape in 2006. This group is a random sample of offenders from ten judicial districts across the state (1st, 2nd, 4th, 8th, 10th, and 17th through 21st). The data were hand-collected by DCJ staff that pulled individual case files and collected data on-site, with permission from the Judicial Department.

<sup>37</sup> Rosten, K. (2008). *Statistical report fiscal year 2007*. Colorado Springs, CO: Colorado Department of Corrections.

<sup>38</sup> Eight hundred nine were convictions for attempted escape.

<sup>39</sup> DCJ's Office of Research and Statistics analyzed data on 448 offenders sentenced for escape in 2006. This group is a random sample of offenders from ten judicial districts across the state (1st, 2nd, 4th, 8th, 10th, and 17th through 21st). The data were hand-collected by DCJ staff that pulled individual case files and collected data on-site, with permission from the Judicial Department.

40 Ibid.

### What felony class was the escape CONVICTION charge?<sup>41</sup>

- F3 8.2 percent
- F4 36.9 percent
- F5 54.3 percent
- F6 0.6 percent
- TOTAL 100 percent

### Did these individuals have a history of violence?<sup>42</sup>

- 69.2 percent of those sentenced to DOC for escape had no history of violent crime convictions and their current crimes were not violent.
- 30.8 percent had a prior juvenile or adult arrest for a violent crime.
  - > More than half of these were arrests for assault.
  - > Eight had a homicide arrest as part of their criminal history record, and 3 had been convicted of homicide.

Table 6.9. How old were these offenders at sentencing?<sup>43</sup>

| Age            | N          | Percent     |
|----------------|------------|-------------|
| Under 25 years | 137        | 30.6%       |
| 25 - 30 years  | 91         | 20.4%       |
| 31 - 35 years  | 67         | 15.0%       |
| 36 - 40 years  | 62         | 13.9%       |
| 41 - 50 years  | 80         | 17.9%       |
| 51 - 65 years  | 10         | 2.2%        |
| <b>Total</b>   | <b>447</b> | <b>100%</b> |

**Source:** The Division of Criminal Justice's Office of Research and Statistics analyzed data on 448 offenders sentenced for escape in 2006. This group is a random sample of offenders from ten judicial districts across the state (1st, 2nd, 4th, 8th, 10th, and 17th through 21st). The data were hand-collected by DCJ staff that pulled individual case files and collected data on-site, with permission from the Judicial Department.

<sup>41</sup> FY 2007 admissions to DOC. Excludes habitual enhanced sentences and sentences to YOS; includes amended or reinstated sentences. Source: Colorado Department of Corrections FY 2007 analysis of escape convictions (October 2008).

<sup>42</sup> DCJ's Office of Research and Statistics analyzed data on 448 offenders sentenced for escape in 2006. This group is a random sample of offenders from ten judicial districts across the state (1st, 2nd, 4th, 8th, 10th, and 17th through 21st). The data were hand-collected by DCJ staff that pulled individual case files and collected data on-site, with permission from Judicial. The analysis of the offenders' history of violent crimes included any arrest for the following crimes: homicide, kidnapping, robbery, assault, weapons-related offenses, and sex offenses.

<sup>43</sup> DCJ's Office of Research and Statistics analyzed data on 448 offenders sentenced for escape in 2006. This group is a random sample of offenders from ten judicial districts across the state (1st, 2nd, 4th, 8th, 10th, and 17th through 21st). The data were hand-collected by DCJ staff that pulled individual case files and collected data on-site, with permission from the Judicial Department.

Table 6.10. Which counties file the most escape charges in district court?

| County    | 2003 | 2004 | 2005 | 2006 | 2007 |
|-----------|------|------|------|------|------|
| Adams     | 114  | 170  | 185  | 179  | 125  |
| Arapahoe  | 142  | 164  | 166  | 122  | 93   |
| Denver    | 211  | 330  | 403  | 496  | 344  |
| El Paso   | 159  | 189  | 265  | 211  | 169  |
| Jefferson | 130  | 153  | 210  | 120  | 119  |
| Weld      | 109  | 139  | 131  | 116  | 114  |

**Source:** Data extract provided by the Judicial Department and analyzed by DCJ's Office of Research and Statistics.

### How many serve prison sentences for escape convictions?

- In FY 2007, 1,249 offenders were sentenced to prison for escape convictions, including attempt to escape (809).<sup>44</sup> Many of these sentences were not imposed consecutively and, for those that were imposed consecutively, escape is not always the governing sentence.
  - > 940 (75.3 percent) were consecutive to another felony sentence, and another 41 (3.3 percent) had a sentence consecutive to the escape sentence.
  - > Of the 1,248 individuals admitted to DOC in FY 2007 to serve sentences for escape, 981 were given sentences consecutive to the offenses outlined in Table 6.11.<sup>45</sup>

### How many individuals under community supervision are eligible for escape charges?

On any given day, approximately 6,524 individuals serving state sentences in the community belong to the pool of offenders who are eligible for felony escape charges. This is a minimum number since it does not include offenders on work release in the county jail, or those in transit.

<sup>44</sup> Colorado Department of Corrections analysis of FY 2007 escape convictions (October 2008). Excludes enhanced and YOS sentences.

<sup>45</sup> Ibid.

Special features

## Special features

Felony charges for escape can be filed for any offender re-entering the community except those on regular parole status. The following represents the pool of offenders who can receive felony escape charges for the same behavior that a parolee would receive a technical violation:

- |                                                                                            |                     |
|--------------------------------------------------------------------------------------------|---------------------|
| • Diversion community corrections                                                          | 2,730               |
| • Intensive Supervision Program, Inmate Status                                             | 960 <sup>46</sup>   |
| • Intensive Supervision Program, Parole Status                                             | 1,258 <sup>47</sup> |
| • Transition community corrections offenders who are not on a “condition of parole” status | 1,339               |
| • Those on current escape status                                                           | 228                 |
| • YOS offenders in Phase III, community placement                                          | 39                  |

The National Research Council of the National Academy of Sciences recently published a comprehensive review of research related to recidivism reduction and public safety: “It is in the broad public interest to . . . reduce the rate of recidivism—the return to prison for parole violations or the commission of new crimes. Reductions in recidivism would simultaneously reduce state corrections costs and improve community safety.”<sup>48</sup> To this end, the authors reviewed the considerable research on this topic and conclude the following:

This report, which summarizes hundreds of studies conducted over the past 25 years, underscores the importance of policy makers recognizing that there are multiple pathways and factors involved in individual decisions to desist from criminal behavior, stating: “There is remarkable heterogeneity in criminal offending.”<sup>50</sup> This research synthesis encourages individualized treatment. Mandatory consecutive sentences for escape ignore the need to provide individual-level responses to reduce recidivism, and are in conflict with empirically-driven efforts to increase public safety.

50 Ibid.

## The death penalty

The death penalty has existed in the United States since before its independence from Great Britain. Currently, 35 states have the death penalty in addition to the federal government and the U.S. military.<sup>51</sup> Among those states without the death penalty, New Mexico still has two inmates on death row who were sentenced before the abolition.<sup>52</sup>

### Number of inmates on death row as of July 1, 2009<sup>53</sup>

- United States total: 3,279
- Top 3 states:
  - > California: 690
  - > Florida: 403
  - > Texas: 342
- Colorado: 3<sup>54</sup>

### History of the death penalty in the United States<sup>55</sup>

- 1846 – Michigan becomes the first state to abolish the death penalty for all crimes except treason.
- 1930s – Executions reach the highest levels in American history – averaging 167 per year.
- 1966 – Support of capital punishment reaches all-time low. A Gallup poll showed support of the death penalty at only 42 percent.
- 1968 – *Witherspoon v. Illinois* (391 U.S. 510). The Supreme Court decided that potential jurors could be excluded only if they explicitly stated that they would automatically vote against the death penalty regardless of the evidence presented.
- 1972 – *Furman v. Georgia* (408 U.S. 238). The Supreme Court effectively voids 40 death penalty statutes and suspends the death penalty in all states after ruling that states must create guidance for jury discretion before the death penalty can be legally used.
- 1976 – *Gregg v. Georgia* (428 U.S. 153). Guided jury discretion statutes were approved by the Supreme

Court. The moratorium is lifted and executions can again be carried out.<sup>56</sup>

- January 17, 1977 – The execution of Gary Gilmore by firing squad in Utah is the first execution since the moratorium was lifted by the Supreme Court.
- 1977 – Oklahoma becomes the first state to adopt lethal injection as a means of execution.
- 1977 – *Coker v. Georgia* (433 U.S. 584). The Supreme Court held that the death penalty is an unconstitutional punishment for rape of an adult woman when the victim is not killed.
- 1985 – *Wainwright v. Witt* (469 U.S. 412). This Supreme Court decision established that one does not have to automatically vote against the death penalty in order to be excluded from the venire. Instead, simply having scruples against the death penalty can lead to one's exclusion from jury duty if these issues are likely to prevent proper following of the law.
- 1986 – *Batson v. Kentucky* (476 U.S. 79). The Supreme Court ruled that a prosecutor who strikes, or removes, a disproportionate number of citizens of the same race when selecting a jury must rebut the inference of discrimination by showing neutral reasons for these strikes.
- 1987 – *McCleskey v. Kemp* (481 U.S. 279). The Supreme Court found that a racial disparity in the number of minority defendants is not recognized as a constitutional violation of "equal protection of the law" unless intentional racial discrimination against the specific defendant can be shown.
- 1988 – *Thompson v. Oklahoma* (487 U.S. 815). Execution of offenders age fifteen and younger at the time of their crime is ruled unconstitutional.
- 1992 – *Morgan v. Illinois* (504 U.S. 719). The Supreme Court decided that "automatic death penalty" jurors (those that say they would argue for the death penalty in every eligible case) must also be excluded so as not to violate the due process clause of the Constitution.
- 2002 – *Ring v. Arizona* (536 U.S. 584). A death sentence decided by a judge violates a defendant's constitutional right to a trial by jury. This decision was not retroactive.

<sup>51</sup> Although legal to do so, the U.S. military has not executed anyone since the 1976 reinstatement of the death penalty. The same is true for Kansas and New Hampshire.

<sup>52</sup> Death Penalty Information Center, 1015 18th Street N.W., Washington D.C. See [www.deathpenaltyinfo.org](http://www.deathpenaltyinfo.org).

<sup>53</sup> Ibid.

<sup>54</sup> Colorado death row data is current as of July 1, 2009.

<sup>55</sup> [www.deathpenaltyinfo.org](http://www.deathpenaltyinfo.org).

<sup>56</sup> The academic and legal literature disaggregates death penalty statistics into two time periods: before and after the *Gregg v. Georgia* (1976) decision that lifted the national moratorium. All of the statistics presented here are post-*Gregg*.

- 2002 – *Atkins v. Virginia* (536 U.S. 304). The execution of those clinically diagnosed as mentally retarded<sup>57</sup> was found to violate the Constitution's Eighth Amendment ban on cruel and unusual punishment.
- 2005 – In *Roper v. Simmons* (543 U.S. 551), the Supreme Court ruled that the death penalty for those who had committed their crimes under 18 years of age was cruel and unusual punishment.

### Death row in Colorado:

#### Nathan Dunlap

- In 1996 Dunlap was convicted of four murders in connection with the robbery of an Aurora Chuck E. Cheese restaurant that took place in 1994.
- This case is currently under appeal on the grounds that he had ineffective legal representation at the time of his trial.<sup>58</sup>

#### Sir Mario Owens<sup>59</sup>

- Convicted and sentenced to death for the June 2005 murders of Javad Marshall-Fields and Marshall-Fields' fiancée, Vivian Wolfe.
- The two were shot to death in their car at an Aurora intersection. Marshall-Fields had been scheduled to testify in a murder trial involving Owens' friend, Robert Ray.

#### Robert Ray

- Ray was convicted on two counts of first-degree murder in the 2005 deaths of Vivian Wolfe and Javad Marshall-Fields in Aurora. Marshall-Fields was going to testify against Ray in another murder trial.<sup>60</sup>
- While Sir Mario Owens was found to have actually pulled the trigger, Ray is believed to have been the mastermind behind these murders.

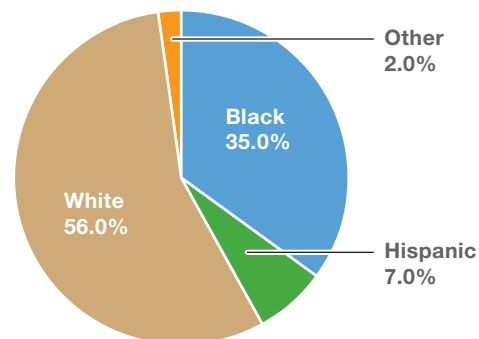
### Crimes punishable by death in Colorado

All felony class 1 crimes are eligible for life imprisonment or death.<sup>61</sup> First-degree murder is the only felony 1 crime committed where death may actually be sought by the prosecution. In this instance, the jury must find at least one aggravating factor to exist in addition to guilt.<sup>62</sup> Treason, also eligible, is rarely charged.<sup>63</sup>

### Disproportionate racial distribution

Although there have been more whites than blacks sentenced to death, there are far more blacks on death row than is representative of their population size in the United States.<sup>64</sup> Specifically, of just over 3,000 people on death row in 2007, almost 50 percent were African American, approximately 30 percent more than their representation in the general population.<sup>65</sup> These figures differ slightly for those that have actually been executed. Figure 6.2 shows the racial breakdown of those that have been executed since 1976.

Figure 6.2. Race of offenders executed



Source: Death Penalty Information Center, Washington D.C., see [www.deathpenaltyinfo.org](http://www.deathpenaltyinfo.org).

**The most recent execution in Colorado was in 1997, when 53-year-old Gary Lee Davis was put to death for his conviction for the 1986 rape and murder of Virginia May.**

<sup>57</sup> American Psychiatric Association. (2000). *Diagnostic and Statistical Manual of Mental Disorders* (DSM-IV-TR; 4th Ed. Text Revision). Washington, D.C.: Author.

<sup>58</sup> <http://cbs4denver.com/local/dunlap.colorado.death.2.660538.html>.

<sup>59</sup> [http://www.denverpost.com/breakingnews/cj\\_9601643](http://www.denverpost.com/breakingnews/cj_9601643).

<sup>60</sup> <http://cbs4denver.com/local/convicted.murderers.arapahoe.2.1036006.html>.

<sup>61</sup> C.R.S. 18-1.3-401.

<sup>62</sup> C.R.S. 18-3-102.

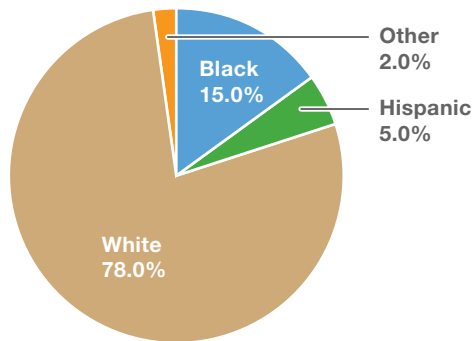
<sup>63</sup> C.R.S. 18-11-101.

<sup>64</sup> Hartney, C., & Vuong, L. (2009). *Racial disparities in the US criminal justice system*. Oakland, CA: National Council on Crime and Delinquency.

<sup>65</sup> [www.ojp.usdoj.gov/bjs/glance/drrace.htm](http://www.ojp.usdoj.gov/bjs/glance/drrace.htm).

Furthermore, while only 50 percent of general murder victims are white, Figure 6.3 shows that nearly 80 percent of victims in death penalty cases are white. Research has found that in general a defendant is least likely to receive death when the victim is a black male,<sup>66</sup> whereas defendants are the most likely to receive death when a victim is a white female.<sup>67</sup>

Figure 6.3. Race of victims in death penalty cases that ended with execution



Source: [www.deathpenaltyinfo.org](http://www.deathpenaltyinfo.org).

## Women and the death penalty

As of June 30, 2009, there were 51 women on death row nationwide (none in Colorado). This constitutes 1.5 percent of the total death row population. As female executions are quite rare, only 11 women have been executed since 1973 (0.9 percent of the total executions in that time period).<sup>68</sup>

## Recent legislative events in Colorado

In the 2009 spring session of the Colorado legislature, House Bill 09-1274 proposed to abolish the death penalty and apply the financial resources necessary for such cases to fund the cold case unit within the Colorado Bureau of Investigation. The House approved the bill by a vote of 33-32. However, on May 6, 2009 the state Senate defeated the bill by a vote of 18-17.

<sup>66</sup> Williams, M.R., Demuth, S., & Holcomb, J.E. (2007). Understanding the influence of victim gender in death penalty cases: The importance of victim race, sex-related victimization, and jury decision making. *Criminology: An Interdisciplinary Journal*, 45, 865-891.

<sup>67</sup> Williams, M.R., & Holcomb, J.E. (2004). The interactive effects of victim race and gender on death sentence disparity findings. *Homicide Studies: An Interdisciplinary & International Journal*, 8, 350-376.

<sup>68</sup> Streib, V.L. (2008). *Death penalty for female offenders: January 1, 1973 through June 30, 2009*. Available at [http://www.scribd.com/doc/17311216/death\\_penalty\\_for\\_female\\_offenders\\_by\\_victor\\_streib](http://www.scribd.com/doc/17311216/death_penalty_for_female_offenders_by_victor_streib).

## The role of restorative justice

### What is restorative justice?

Restorative justice is an approach to criminal misconduct that brings the victim, offender and affected members of the community together to participate in repairing the harm caused by a crime. This process of involving all affected parties can be a powerful and productive way to address the material, physical, social and psychological damage caused by criminal behavior. The restorative justice process works best when all parties agree to come together voluntarily and cooperatively. However, when one of the parties refuses or is unable to participate, other methods can achieve a similar outcome of repairing the harm.

“Restorative justice is different from contemporary criminal justice in several ways. First, it views criminal acts more comprehensively – rather than defining crime as simply lawbreaking, it recognizes that offenders harm victims, communities and even themselves. Second, it involves more parties in responding to crime – rather than giving key roles only to government and the offender; it includes victims and communities as well. Finally, it measures success differently – rather than measuring how much punishment is inflicted, it measures how much harm is repaired or prevented.”<sup>69</sup>

### Evidence supporting restorative justice

Multiple studies have demonstrated the value of restorative justice. A longitudinal study which utilized carefully selected comparison and control groups found that those who participated in restorative justice programs experienced statistically fewer reconvictions than those assigned to the control groups.<sup>70</sup> Several other studies provide evidence suggesting the positive effects of restorative justice practices. A meta-analysis examining thirty-five victim and offender programs found that restorative justice programs were far more effective at reducing crime and recidivism than traditional criminal justice programs.<sup>71</sup> Rodriguez (2005) found that individuals who had been involved in a restorative justice program were less likely to recidivate than participants in a comparison group.<sup>72</sup>

### Restorative justice in Colorado

In 2007, the Colorado State Legislature established the Restorative Justice Coordinating council under House Bill 07-1129. The legislative mandate called for the Council to be comprised of nine members and housed in the State Court Administrators Office. The Council’s charge is to support the development of restorative justice programs and create a central repository of information regarding training, public education and technical assistance for those wanting to develop restorative justice programs.

In March 2008, Colorado Governor Bill Ritter signed into law House Bill 08-1117, which authorizes the use of restorative justice in the state’s Children’s Code. The bill is designed to help keep youthful offenders from turning into hardened adult criminals by allowing them to participate in restorative justice programs in certain circumstances. The law defines restorative justice and practices as follows:

“‘Restorative justice’ means those practices that emphasize repairing the harm to the victim and the community caused by criminal acts. Restorative justice practices may include victim-offender conferences attended voluntarily by the victim, a victim advocate, the offender, community members, and supporters of the victim or the offender that provide an opportunity for the offender to accept responsibility for the harm caused to those affected by the crime and to participate in setting consequences to repair the harm. Consequences recommended by the participants may include, but need not be limited to, apologies, community service, restoration and counseling. The selected consequences are incorporated into an agreement that sets time limits for completion of the consequences and is signed by all participants.”

### More Information

Restorative justice programs and services in Colorado address crimes committed by both juveniles and adults and can be found in all jurisdictions in Colorado. For more information on Colorado’s restorative justice programs and a list of programs by county please visit <http://www.courts.state.co.us/Probation/RJ/Overview.cfm>.

<sup>69</sup> Restorative Justice Briefing Paper. Prison Fellowship International, Centre for Justice and Reconciliation. Washington, DC.

<sup>70</sup> Shapland, J., et al. (2008). *Does restorative justice affect reconviction? The fourth report from the evaluation of three schemes*. Ministry of Justice Research Series 10/08: London: Ministry of Justice.

<sup>71</sup> Latimer, J., Dowden, C., & Muise, D. 2001. *The effectiveness of restorative justice practices: A meta-analysis*. Ottawa, Ontario: Canada Department of Justice.

<sup>72</sup> Rodriguez, N. (2005). Restorative justice, communities and delinquency: Whom do we reintegrate? *Criminology and Public Policy*, 4, 103-130.



## Section 7: Crime rates



This section provides arrest information on juveniles and adults in Colorado between 1980 and 2009.



# Adult

## Number of Colorado adult violent and property arrests, 1980-2009

| Year | Population | Violent |              | Property |              |
|------|------------|---------|--------------|----------|--------------|
|      |            | Arrests | Arrest Rates | Arrests  | Arrest Rates |
| 1980 | 2,097,530  | 4,495   | 214.3        | 20,693   | 986.5        |
| 1981 | 2,159,216  | 4,737   | 219.4        | 20,340   | 942.0        |
| 1982 | 2,230,324  | 4,521   | 202.7        | 22,360   | 1002.5       |
| 1983 | 2,285,869  | 4,606   | 201.5        | 22,740   | 994.8        |
| 1984 | 2,315,719  | 4,679   | 202.1        | 23,002   | 993.3        |
| 1985 | 2,346,049  | 4,826   | 205.7        | 24,602   | 1048.7       |
| 1986 | 2,367,485  | 5,354   | 226.1        | 24,645   | 1041.0       |
| 1987 | 2,383,670  | 5,012   | 210.3        | 24,709   | 1036.6       |
| 1988 | 2,390,616  | 5,743   | 240.2        | 24,726   | 1034.3       |
| 1989 | 2,409,125  | 6,592   | 273.6        | 23,227   | 964.1        |
| 1990 | 2,437,182  | 7,524   | 308.7        | 23,279   | 955.2        |
| 1991 | 2,497,030  | 7,401   | 296.4        | 23,632   | 946.4        |
| 1992 | 2,579,930  | 7,028   | 272.4        | 23,038   | 893.0        |
| 1993 | 2,667,855  | 7,189   | 269.5        | 22,958   | 860.5        |
| 1994 | 2,749,189  | 6,805   | 247.5        | 22,275   | 810.2        |
| 1995 | 2,824,583  | 6,121   | 216.7        | 23,714   | 839.6        |
| 1996 | 2,894,909  | 5,679   | 196.2        | 23,062   | 796.6        |
| 1997 | 2,966,572  | 5,569   | 187.7        | 22,053   | 743.4        |
| 1998 | 3,048,002  | 5,904   | 193.7        | 21,852   | 716.9        |
| 1999 | 3,135,003  | 6,056   | 193.2        | 20,458   | 652.6        |
| 2000 | 3,229,459  | 5,363   | 166.1        | 20,008   | 619.5        |
| 2001 | 3,322,568  | 5,665   | 170.5        | 20,286   | 610.6        |
| 2002 | 3,380,058  | 5,411   | 160.1        | 21,570   | 638.2        |
| 2003 | 3,430,664  | 5,170   | 150.7        | 20,225   | 589.5        |
| 2004 | 3,484,720  | 5,509   | 158.1        | 22,185   | 636.6        |
| 2005 | 3,538,467  | 5,774   | 163.2        | 21,272   | 601.2        |
| 2006 | 3,612,950  | 6,081   | 168.3        | 16,971   | 469.7        |
| 2007 | 3,681,473  | 5,510   | 149.7        | 16,921   | 459.6        |
| 2008 | 3,757,062  | 5,846   | 155.6        | 17,880   | 475.9        |
| 2009 | 3,831,591  | 6,295   | 164.3        | 19,061   | 497.5        |

**Notes:** Rates are per 100,000 adults. Violent arrests include homicide, forcible rape, robbery, and aggravated assault. Property arrests include larceny-theft, burglary, motor vehicle theft, and arson.

**Sources:** Population Data: Colorado State Demographers Office, Department of Local Affairs. Arrest Data: Colorado Bureau of Investigation. (1980-2009). *Crime in Colorado*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbi.state.co.us/CNC/index.html>.

## Adult

## Number of Colorado adult violent arrests by index crime, 1980-2009

| Year | Population | Homicide |       | Forcible Rape |       | Robbery |       | Agg. Assault |       |
|------|------------|----------|-------|---------------|-------|---------|-------|--------------|-------|
|      |            | Arrests  | Rates | Arrests       | Rates | Arrests | Rates | Arrests      | Rates |
| 1980 | 2,097,530  | 129      | 6.2   | 389           | 18.5  | 948     | 45.2  | 3,029        | 144.4 |
| 1981 | 2,159,216  | 190      | 8.8   | 311           | 14.4  | 936     | 43.3  | 3,300        | 152.8 |
| 1982 | 2,230,324  | 148      | 6.6   | 376           | 16.9  | 931     | 41.7  | 3,066        | 137.5 |
| 1983 | 2,285,869  | 150      | 6.6   | 340           | 14.9  | 869     | 38.0  | 3,247        | 142.0 |
| 1984 | 2,315,719  | 181      | 7.8   | 352           | 15.2  | 746     | 32.2  | 3,400        | 146.8 |
| 1985 | 2,346,049  | 146      | 6.2   | 360           | 15.3  | 776     | 33.1  | 3,544        | 151.1 |
| 1986 | 2,367,485  | 185      | 7.8   | 335           | 14.2  | 809     | 34.2  | 4,025        | 170.0 |
| 1987 | 2,383,670  | 148      | 6.2   | 375           | 15.7  | 807     | 33.9  | 3,682        | 154.5 |
| 1988 | 2,390,616  | 146      | 6.1   | 450           | 18.8  | 718     | 30.0  | 4,429        | 185.3 |
| 1989 | 2,409,125  | 149      | 6.2   | 440           | 18.3  | 641     | 26.6  | 5,362        | 222.6 |
| 1990 | 2,437,182  | 129      | 5.3   | 529           | 21.7  | 645     | 26.5  | 6,221        | 255.3 |
| 1991 | 2,497,030  | 170      | 6.8   | 499           | 20.0  | 763     | 30.6  | 5,969        | 239.0 |
| 1992 | 2,579,930  | 188      | 7.3   | 472           | 18.3  | 741     | 28.7  | 5,627        | 218.1 |
| 1993 | 2,667,855  | 182      | 6.8   | 472           | 17.7  | 721     | 27.0  | 5,814        | 217.9 |
| 1994 | 2,749,189  | 155      | 5.6   | 426           | 15.5  | 670     | 24.4  | 5,554        | 202.0 |
| 1995 | 2,824,583  | 169      | 6.0   | 417           | 14.8  | 675     | 23.9  | 4,860        | 172.1 |
| 1996 | 2,894,909  | 126      | 4.4   | 506           | 17.5  | 603     | 20.8  | 4,444        | 153.5 |
| 1997 | 2,966,572  | 142      | 4.8   | 530           | 17.9  | 630     | 21.2  | 4,267        | 143.8 |
| 1998 | 3,048,002  | 127      | 4.2   | 663           | 21.8  | 587     | 19.3  | 4,527        | 148.5 |
| 1999 | 3,135,003  | 110      | 3.5   | 490           | 15.6  | 609     | 19.4  | 4,847        | 154.6 |
| 2000 | 3,229,459  | 123      | 3.8   | 441           | 13.7  | 532     | 16.5  | 4,267        | 132.1 |
| 2001 | 3,322,568  | 126      | 3.8   | 392           | 11.8  | 649     | 19.5  | 4,498        | 135.4 |
| 2002 | 3,380,058  | 121      | 3.6   | 425           | 12.6  | 687     | 20.3  | 4,178        | 123.6 |
| 2003 | 3,430,664  | 104      | 3.0   | 422           | 12.3  | 694     | 20.2  | 3,950        | 115.1 |
| 2004 | 3,484,720  | 154      | 4.4   | 405           | 11.6  | 647     | 18.6  | 4,303        | 123.5 |
| 2005 | 3,538,467  | 98       | 2.8   | 385           | 10.9  | 658     | 18.6  | 4,633        | 130.9 |
| 2006 | 3,612,950  | 102      | 2.8   | 408           | 11.3  | 838     | 23.2  | 4,733        | 131.0 |
| 2007 | 3,681,473  | 104      | 2.8   | 382           | 10.4  | 709     | 19.3  | 4,315        | 117.2 |
| 2008 | 3,757,062  | 159      | 4.2   | 399           | 10.6  | 705     | 18.8  | 4,583        | 122.0 |
| 2009 | 3,831,591  | 125      | 3.3   | 359           | 9.4   | 910     | 23.7  | 4,901        | 127.9 |

Notes: Rates are per 100,000 adults.

Sources: Population Data: Colorado State Demographers Office, Department of Local Affairs. Arrest Data: Colorado Bureau of Investigation. (1980-2009). *Crime in Colorado*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbi.state.co.us/CNC/index.html>.

# Adult

## Number of Colorado adult property arrests by index crime, 1980-2009

| Year | Population | Burglary |       | Larceny |       | Motor Vehicle Theft |       | Arson   |       |
|------|------------|----------|-------|---------|-------|---------------------|-------|---------|-------|
|      |            | Arrests  | Rates | Arrests | Rates | Arrests             | Rates | Arrests | Rates |
| 1980 | 2,097,530  | 3,228    | 153.9 | 16,225  | 773.5 | 1,037               | 49.4  | 203     | 9.7   |
| 1981 | 2,159,216  | 3,434    | 159.0 | 15,717  | 727.9 | 974                 | 45.1  | 215     | 10.0  |
| 1982 | 2,230,324  | 3,313    | 148.5 | 17,794  | 797.8 | 1,064               | 47.7  | 189     | 8.5   |
| 1983 | 2,285,869  | 3,155    | 138.0 | 18,450  | 807.1 | 1,014               | 44.4  | 121     | 5.3   |
| 1984 | 2,315,719  | 2,709    | 117.0 | 19,056  | 822.9 | 1,100               | 47.5  | 137     | 5.9   |
| 1985 | 2,346,049  | 3,103    | 132.3 | 20,223  | 862.0 | 1,139               | 48.5  | 137     | 5.8   |
| 1986 | 2,367,485  | 3,175    | 134.1 | 20,084  | 848.3 | 1,220               | 51.5  | 166     | 7.0   |
| 1987 | 2,383,670  | 2,786    | 116.9 | 20,576  | 863.2 | 1,200               | 50.3  | 147     | 6.2   |
| 1988 | 2,390,616  | 2,643    | 110.6 | 20,743  | 867.7 | 1,207               | 50.5  | 133     | 5.6   |
| 1989 | 2,409,125  | 2,593    | 107.6 | 19,221  | 797.8 | 1,294               | 53.7  | 119     | 4.9   |
| 1990 | 2,437,182  | 2,500    | 102.6 | 19,494  | 799.9 | 1,180               | 48.4  | 105     | 4.3   |
| 1991 | 2,497,030  | 2,356    | 94.4  | 19,995  | 800.8 | 1,163               | 46.6  | 118     | 4.7   |
| 1992 | 2,579,930  | 2,186    | 84.7  | 19,514  | 756.4 | 1,213               | 47.0  | 125     | 4.8   |
| 1993 | 2,667,855  | 2,217    | 83.1  | 19,392  | 726.9 | 1,232               | 46.2  | 117     | 4.4   |
| 1994 | 2,749,189  | 2,185    | 79.5  | 18,794  | 683.6 | 1,127               | 41.0  | 169     | 6.1   |
| 1995 | 2,824,583  | 1,973    | 69.9  | 20,439  | 723.6 | 1,212               | 42.9  | 90      | 3.2   |
| 1996 | 2,894,909  | 1,899    | 65.6  | 19,835  | 685.2 | 1,192               | 41.2  | 136     | 4.7   |
| 1997 | 2,966,572  | 1,804    | 60.8  | 18,829  | 634.7 | 1,327               | 44.7  | 93      | 3.1   |
| 1998 | 3,048,002  | 1,822    | 59.8  | 18,524  | 607.7 | 1,393               | 45.7  | 113     | 3.7   |
| 1999 | 3,135,003  | 1,751    | 55.9  | 17,343  | 553.2 | 1,268               | 40.4  | 96      | 3.1   |
| 2000 | 3,229,459  | 1,839    | 56.9  | 16,693  | 516.9 | 1,341               | 41.5  | 135     | 4.2   |
| 2001 | 3,322,568  | 1,861    | 56.0  | 16,919  | 509.2 | 1,390               | 41.8  | 116     | 3.5   |
| 2002 | 3,380,058  | 2,117    | 62.6  | 17,640  | 521.9 | 1,670               | 49.4  | 143     | 4.2   |
| 2003 | 3,430,664  | 2,109    | 61.5  | 16,213  | 472.6 | 1,758               | 51.2  | 145     | 4.2   |
| 2004 | 3,484,720  | 2,107    | 60.5  | 18,038  | 517.6 | 1,948               | 55.9  | 92      | 2.6   |
| 2005 | 3,538,467  | 2,289    | 64.7  | 17,326  | 489.6 | 1,528               | 43.2  | 129     | 3.6   |
| 2006 | 3,612,950  | 2,165    | 59.9  | 13,257  | 366.9 | 1,437               | 39.8  | 112     | 3.1   |
| 2007 | 3,681,473  | 1,965    | 53.4  | 13,644  | 370.6 | 1,195               | 32.5  | 117     | 3.2   |
| 2008 | 3,757,062  | 2,181    | 58.1  | 14,636  | 389.6 | 953                 | 25.4  | 110     | 2.9   |
| 2009 | 3,831,591  | 2,136    | 55.7  | 15,903  | 415.0 | 935                 | 24.4  | 87      | 2.3   |

Notes: Rates are per 100,000 adults.

Sources: Population Data: Colorado State Demographers Office, Department of Local Affairs. Arrest Data: Colorado Bureau of Investigation. (1980-2009). *Crime in Colorado*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbi.state.co.us/CNC/index.html>.

## Adult

## Number of Colorado adult weapon and drug arrests, 1980-2009

| Year | Population | Weapon  |              | Drug    |              |
|------|------------|---------|--------------|---------|--------------|
|      |            | Arrests | Arrest Rates | Arrests | Arrest Rates |
| 1980 | 2,097,530  | 2,492   | 118.8        | 4,657   | 222.0        |
| 1981 | 2,159,216  | 2,617   | 121.2        | 5,094   | 235.9        |
| 1982 | 2,230,324  | 3,115   | 139.7        | 6,361   | 285.2        |
| 1983 | 2,285,869  | 3,260   | 142.6        | 5,825   | 254.8        |
| 1984 | 2,315,719  | 3,101   | 133.9        | 6,440   | 278.1        |
| 1985 | 2,346,049  | 3,099   | 132.1        | 6,485   | 276.4        |
| 1986 | 2,367,485  | 3,153   | 133.2        | 6,453   | 272.6        |
| 1987 | 2,383,670  | 2,641   | 110.8        | 6,414   | 269.1        |
| 1988 | 2,390,616  | 2,632   | 110.1        | 7,973   | 333.5        |
| 1989 | 2,409,125  | 2,631   | 109.2        | 8,102   | 336.3        |
| 1990 | 2,437,182  | 2,703   | 110.9        | 6,751   | 277.0        |
| 1991 | 2,497,030  | 2,799   | 112.1        | 6,921   | 277.2        |
| 1992 | 2,579,930  | 2,903   | 112.5        | 7,734   | 299.8        |
| 1993 | 2,667,855  | 3,131   | 117.4        | 8,973   | 336.3        |
| 1994 | 2,749,189  | 3,053   | 111.1        | 1,343   | unavailable  |
| 1995 | 2,824,583  | 2,572   | 91.1         | 9,507   | 336.6        |
| 1996 | 2,894,909  | 2,578   | 89.1         | 14,604  | 504.5        |
| 1997 | 2,966,572  | 2,440   | 82.2         | 15,605  | 526.0        |
| 1998 | 3,048,002  | 2,465   | 80.9         | 16,434  | 539.2        |
| 1999 | 3,135,003  | 2,253   | 71.9         | 18,330  | 584.7        |
| 2000 | 3,229,459  | 2,076   | 64.3         | 16,686  | 516.7        |
| 2001 | 3,322,568  | 1,882   | 56.6         | 15,780  | 474.9        |
| 2002 | 3,380,058  | 1,725   | 51.0         | 15,144  | 448.0        |
| 2003 | 3,430,664  | 1,533   | 44.7         | 15,116  | 440.6        |
| 2004 | 3,484,720  | 1,814   | 52.1         | 16,319  | 468.3        |
| 2005 | 3,538,467  | 1,686   | 47.6         | 17,352  | 490.4        |
| 2006 | 3,612,950  | 1,695   | 46.9         | 16,266  | 450.2        |
| 2007 | 3,681,473  | 1,736   | 47.2         | 15,672  | 425.7        |
| 2008 | 3,757,062  | 1,590   | 42.3         | 15,032  | 400.1        |
| 2009 | 3,831,591  | 1,440   | 37.6         | 14,050  | 366.7        |

**Notes:** Rates are per 100,000 adults. Drug arrest data was not available for 1994.

**Sources:** Population Data: Colorado State Demographers Office, Department of Local Affairs. Arrest Data: Colorado Bureau of Investigation. (1980-2009). *Crime in Colorado*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbl.state.co.us/CNC/index.html>.

# Juvenile

## Number of Colorado juvenile violent and property arrests, 1980-2009

| Year | Population | Violent |              | Property |              |
|------|------------|---------|--------------|----------|--------------|
|      |            | Arrests | Arrest Rates | Arrests  | Arrest Rates |
| 1980 | 379,611    | 1,007   | 265.3        | 16,503   | 4347.3       |
| 1981 | 380,535    | 972     | 255.4        | 15,922   | 4184.1       |
| 1982 | 379,180    | 947     | 249.7        | 15,101   | 3982.5       |
| 1983 | 378,152    | 1,071   | 283.2        | 16,017   | 4235.6       |
| 1984 | 374,515    | 1,106   | 295.3        | 16,168   | 4317.1       |
| 1985 | 372,734    | 1,139   | 305.6        | 16,782   | 4502.4       |
| 1986 | 369,585    | 1,205   | 326.0        | 15,882   | 4297.3       |
| 1987 | 367,668    | 1,003   | 272.8        | 15,362   | 4178.2       |
| 1988 | 360,255    | 1,002   | 278.1        | 14,879   | 4130.1       |
| 1989 | 355,354    | 1,389   | 390.9        | 15,579   | 4384.1       |
| 1990 | 355,862    | 1,556   | 437.2        | 16,169   | 4543.6       |
| 1991 | 367,231    | 1,834   | 499.4        | 16,822   | 4580.8       |
| 1992 | 381,550    | 1,833   | 480.4        | 16,037   | 4203.1       |
| 1993 | 396,675    | 1,815   | 457.6        | 14,879   | 3750.9       |
| 1994 | 411,405    | 1,694   | 411.8        | 15,773   | 3833.9       |
| 1995 | 425,421    | 1,446   | 339.9        | 16,226   | 3814.1       |
| 1996 | 438,447    | 1,200   | 273.7        | 15,446   | 3522.9       |
| 1997 | 451,896    | 1,566   | 346.5        | 16,252   | 3596.4       |
| 1998 | 467,035    | 1,477   | 316.3        | 14,964   | 3204.0       |
| 1999 | 482,879    | 1,445   | 299.2        | 13,285   | 2751.2       |
| 2000 | 499,836    | 1,136   | 227.3        | 12,112   | 2423.2       |
| 2001 | 511,121    | 1,234   | 241.4        | 11,283   | 2207.5       |
| 2002 | 516,424    | 1,158   | 224.2        | 11,386   | 2204.8       |
| 2003 | 519,125    | 1,027   | 197.8        | 9,339    | 1799.0       |
| 2004 | 519,495    | 1,129   | 217.3        | 9,782    | 1883.0       |
| 2005 | 520,049    | 1,172   | 225.4        | 9,027    | 1735.8       |
| 2006 | 524,041    | 1,102   | 210.3        | 7,635    | 1456.9       |
| 2007 | 527,805    | 920     | 174.3        | 7,915    | 1499.6       |
| 2008 | 528,810    | 1,003   | 189.7        | 8,784    | 1661.1       |
| 2009 | 530,839    | 944     | 177.8        | 8,042    | 1515.0       |

**Notes:** Rates are per 100,000 juveniles aged 10-17. Violent arrests include homicide, forcible rape, robbery, and aggravated assault. Property arrests include larceny-theft, burglary, motor vehicle theft, and arson.

**Sources:** Population data: Colorado State Demographers Office, Department of Local Affairs. Arrest data: Colorado Bureau of Investigation. (1980-2009). *Crime in Colorado*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbi.state.co.us/CNC/index.html>.

## Juvenile

## Number of Colorado juvenile violent arrests by index crime, 1980-2009

| Year | Population | Homicide |       | Forcible Rape |       | Robbery |       | Agg. Assault |       |
|------|------------|----------|-------|---------------|-------|---------|-------|--------------|-------|
|      |            | Arrests  | Rates | Arrests       | Rates | Arrests | Rates | Arrests      | Rates |
| 1980 | 379,611    | 9        | 2.4   | 56            | 14.8  | 305     | 80.3  | 637          | 167.8 |
| 1981 | 380,535    | 8        | 2.1   | 59            | 15.5  | 232     | 61.0  | 673          | 176.9 |
| 1982 | 379,180    | 10       | 2.6   | 55            | 14.5  | 252     | 66.5  | 630          | 166.1 |
| 1983 | 378,152    | 5        | 1.3   | 71            | 18.8  | 214     | 56.6  | 781          | 206.5 |
| 1984 | 374,515    | 11       | 2.9   | 85            | 22.7  | 222     | 59.3  | 788          | 210.4 |
| 1985 | 372,734    | 17       | 4.6   | 73            | 19.6  | 254     | 68.1  | 795          | 213.3 |
| 1986 | 369,585    | 16       | 4.3   | 96            | 26.0  | 262     | 70.9  | 831          | 224.8 |
| 1987 | 367,668    | 17       | 4.6   | 70            | 19.0  | 200     | 54.4  | 716          | 194.7 |
| 1988 | 360,255    | 14       | 3.9   | 73            | 20.3  | 168     | 46.6  | 747          | 207.4 |
| 1989 | 355,354    | 15       | 4.2   | 76            | 21.4  | 246     | 69.2  | 1,052        | 296.0 |
| 1990 | 355,862    | 22       | 6.2   | 96            | 27.0  | 234     | 65.8  | 1,204        | 338.3 |
| 1991 | 367,231    | 26       | 7.1   | 94            | 25.6  | 256     | 69.7  | 1,458        | 397.0 |
| 1992 | 381,550    | 22       | 5.8   | 75            | 19.7  | 320     | 83.9  | 1,416        | 371.1 |
| 1993 | 396,675    | 37       | 9.3   | 84            | 21.2  | 304     | 76.6  | 1,390        | 350.4 |
| 1994 | 411,405    | 16       | 3.9   | 78            | 19.0  | 382     | 92.9  | 1,218        | 296.1 |
| 1995 | 425,421    | 31       | 7.3   | 77            | 18.1  | 276     | 64.9  | 1,062        | 249.6 |
| 1996 | 438,447    | 31       | 7.1   | 92            | 21.0  | 311     | 70.9  | 766          | 174.7 |
| 1997 | 451,896    | 18       | 4.0   | 248           | 54.9  | 367     | 81.2  | 933          | 206.5 |
| 1998 | 467,035    | 31       | 6.6   | 235           | 50.3  | 272     | 58.2  | 939          | 201.1 |
| 1999 | 482,879    | 22       | 4.6   | 201           | 41.6  | 235     | 48.7  | 987          | 204.4 |
| 2000 | 499,836    | 8        | 1.6   | 111           | 22.2  | 239     | 47.8  | 778          | 155.7 |
| 2001 | 511,121    | 15       | 2.9   | 98            | 19.2  | 246     | 48.1  | 875          | 171.2 |
| 2002 | 516,424    | 10       | 1.9   | 110           | 21.3  | 208     | 40.3  | 830          | 160.7 |
| 2003 | 519,125    | 8        | 1.5   | 84            | 16.2  | 203     | 39.1  | 732          | 141.0 |
| 2004 | 519,495    | 8        | 1.5   | 80            | 15.4  | 186     | 35.8  | 855          | 164.6 |
| 2005 | 520,049    | 6        | 1.2   | 95            | 18.3  | 204     | 39.2  | 867          | 166.7 |
| 2006 | 524,041    | 12       | 2.3   | 73            | 13.9  | 218     | 41.6  | 799          | 152.5 |
| 2007 | 527,805    | 8        | 1.5   | 55            | 10.4  | 171     | 32.4  | 686          | 130.0 |
| 2008 | 528,810    | 5        | 0.9   | 57            | 10.8  | 237     | 44.8  | 704          | 133.1 |
| 2009 | 530,839    | 17       | 3.2   | 68            | 12.8  | 221     | 41.6  | 638          | 120.2 |

Notes: Rates are per 100,000 juveniles aged 10-17.

Sources: Population data: Colorado State Demographers Office, Department of Local Affairs. Arrest data: Colorado Bureau of Investigation. (1980-2009). *Crime in Colorado*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbi.state.co.us/CNC/index.html>.

# Juvenile

## Number of Colorado juvenile property arrests by index crime, 1980-2009

| Year | Population | Burglary |       | Larceny |        | Motor Vehicle Theft |       | Arson   |       |
|------|------------|----------|-------|---------|--------|---------------------|-------|---------|-------|
|      |            | Arrests  | Rates | Arrests | Rates  | Arrests             | Rates | Arrests | Rates |
| 1980 | 379,611    | 3,521    | 927.5 | 11,537  | 3039.2 | 1,190               | 313.5 | 255     | 67.2  |
| 1981 | 380,535    | 3,522    | 925.5 | 10,998  | 2890.1 | 1,145               | 300.9 | 257     | 67.5  |
| 1982 | 379,180    | 3,133    | 826.3 | 10,764  | 2838.8 | 944                 | 249.0 | 260     | 68.6  |
| 1983 | 378,152    | 2,977    | 787.2 | 11,934  | 3155.9 | 899                 | 237.7 | 207     | 54.7  |
| 1984 | 374,515    | 2,455    | 655.5 | 12,354  | 3298.7 | 1,093               | 291.8 | 266     | 71.0  |
| 1985 | 372,734    | 2,859    | 767.0 | 12,504  | 3354.7 | 1,179               | 316.3 | 240     | 64.4  |
| 1986 | 369,585    | 2,394    | 647.8 | 11,902  | 3220.4 | 1,313               | 355.3 | 273     | 73.9  |
| 1987 | 367,668    | 2,510    | 682.7 | 11,393  | 3098.7 | 1,237               | 336.4 | 222     | 60.4  |
| 1988 | 360,255    | 2,260    | 627.3 | 11,038  | 3063.9 | 1,344               | 373.1 | 237     | 65.8  |
| 1989 | 355,354    | 2,294    | 645.6 | 11,346  | 3192.9 | 1,711               | 481.5 | 228     | 64.2  |
| 1990 | 355,862    | 2,076    | 583.4 | 12,472  | 3504.7 | 1,382               | 388.4 | 239     | 67.2  |
| 1991 | 367,231    | 2,194    | 597.4 | 13,035  | 3549.5 | 1,329               | 361.9 | 264     | 71.9  |
| 1992 | 381,550    | 1,973    | 517.1 | 12,724  | 3334.8 | 1,096               | 287.2 | 244     | 63.9  |
| 1993 | 396,675    | 1,847    | 465.6 | 11,468  | 2891.0 | 1,335               | 336.5 | 229     | 57.7  |
| 1994 | 411,405    | 1,925    | 467.9 | 12,611  | 3065.3 | 964                 | 234.3 | 273     | 66.4  |
| 1995 | 425,421    | 1,605    | 377.3 | 13,548  | 3184.6 | 882                 | 207.3 | 191     | 44.9  |
| 1996 | 438,447    | 1,581    | 360.6 | 12,706  | 2898.0 | 864                 | 197.1 | 295     | 67.3  |
| 1997 | 451,896    | 1,679    | 371.5 | 12,865  | 2846.9 | 1,517               | 335.7 | 191     | 42.3  |
| 1998 | 467,035    | 1,553    | 332.5 | 11,893  | 2546.5 | 1,291               | 276.4 | 227     | 48.6  |
| 1999 | 482,879    | 1,322    | 273.8 | 10,673  | 2210.3 | 1,073               | 222.2 | 217     | 44.9  |
| 2000 | 499,836    | 1,296    | 259.3 | 9,345   | 1869.6 | 1,230               | 246.1 | 241     | 48.2  |
| 2001 | 511,121    | 1,204    | 235.6 | 8,637   | 1689.8 | 1,224               | 239.5 | 218     | 42.7  |
| 2002 | 516,424    | 1,223    | 236.8 | 8,403   | 1627.2 | 1,507               | 291.8 | 253     | 49.0  |
| 2003 | 519,125    | 1,038    | 200.0 | 7,005   | 1349.4 | 1,082               | 208.4 | 214     | 41.2  |
| 2004 | 519,495    | 998      | 192.1 | 7,734   | 1488.8 | 906                 | 174.4 | 144     | 27.7  |
| 2005 | 520,049    | 923      | 177.5 | 7,313   | 1406.2 | 593                 | 114.0 | 198     | 38.1  |
| 2006 | 524,041    | 961      | 183.4 | 6,006   | 1146.1 | 497                 | 94.8  | 171     | 32.6  |
| 2007 | 527,805    | 829      | 157.1 | 6,484   | 1228.5 | 390                 | 73.9  | 212     | 40.2  |
| 2008 | 528,810    | 1,076    | 203.5 | 7,142   | 1350.6 | 423                 | 80.0  | 143     | 27.0  |
| 2009 | 530,839    | 892      | 168.0 | 6,652   | 1253.1 | 330                 | 62.2  | 168     | 31.6  |

**Notes:** Rates are per 100,000 juveniles aged 10-17.

**Sources:** Population data: Colorado State Demographers Office, Department of Local Affairs. Arrest data: Colorado Bureau of Investigation. (1980-2009). *Crime in Colorado*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbi.state.co.us/CNC/index.html>.

## Juvenile

## Number of Colorado juvenile weapon and drug arrests, 1980-2009

| Year | Population | Weapon  |              | Drug    |              |
|------|------------|---------|--------------|---------|--------------|
|      |            | Arrests | Arrest Rates | Arrests | Arrest Rates |
| 1980 | 379,611    | 401     | 105.6        | 1,297   | 341.7        |
| 1981 | 380,535    | 420     | 110.4        | 1,239   | 325.6        |
| 1982 | 379,180    | 576     | 151.9        | 1,094   | 288.5        |
| 1983 | 378,152    | 592     | 156.6        | 837     | 221.3        |
| 1984 | 374,515    | 645     | 172.2        | 940     | 251.0        |
| 1985 | 372,734    | 694     | 186.2        | 1,089   | 292.2        |
| 1986 | 369,585    | 725     | 196.2        | 985     | 266.5        |
| 1987 | 367,668    | 589     | 160.2        | 874     | 237.7        |
| 1988 | 360,255    | 583     | 161.8        | 972     | 269.8        |
| 1989 | 355,354    | 724     | 203.7        | 926     | 260.6        |
| 1990 | 355,862    | 806     | 226.5        | 664     | 186.6        |
| 1991 | 367,231    | 975     | 265.5        | 718     | 195.5        |
| 1992 | 381,550    | 1,142   | 299.3        | 920     | 241.1        |
| 1993 | 396,675    | 1,236   | 311.6        | 1,690   | 426.0        |
| 1994 | 411,405    | 1,112   | 270.3        | 356     | unavailable  |
| 1995 | 425,421    | 925     | 217.4        | 2,573   | 604.8        |
| 1996 | 438,447    | 930     | 212.1        | 3,065   | 699.1        |
| 1997 | 451,896    | 1,079   | 238.8        | 3,687   | 815.9        |
| 1998 | 467,035    | 1,031   | 220.8        | 4,051   | 867.4        |
| 1999 | 482,879    | 926     | 191.8        | 3,945   | 817.0        |
| 2000 | 499,836    | 821     | 164.3        | 3,855   | 771.3        |
| 2001 | 511,121    | 723     | 141.5        | 4,084   | 799.0        |
| 2002 | 516,424    | 738     | 142.9        | 3,746   | 725.4        |
| 2003 | 519,125    | 713     | 137.3        | 3,581   | 689.8        |
| 2004 | 519,495    | 743     | 143.0        | 3,562   | 685.7        |
| 2005 | 520,049    | 755     | 145.2        | 3,860   | 742.2        |
| 2006 | 524,041    | 726     | 138.5        | 3,627   | 692.1        |
| 2007 | 527,805    | 670     | 126.9        | 3,705   | 702.0        |
| 2008 | 528,810    | 617     | 116.7        | 3,731   | 705.5        |
| 2009 | 530,839    | 495     | 93.2         | 3,332   | 627.7        |

**Notes:** Rates are per 100,000 juveniles aged 10-17. Drug arrest data was not available for 1994.

**Sources:** Population data: Colorado State Demographers Office, Department of Local Affairs. Arrest data: Colorado Bureau of Investigation. (1980-2009). *Crime in Colorado*. Denver, CO: Colorado Department of Public Safety. Available at <http://cbi.state.co.us/CNC/index.html>.

## Section 8: Furthermore



- Crime category detail, felony class ranges, and number of prison releases for Figure 3.22 on page 68.



## Crime category detail for Figure 3.22 on page 68 and felony class ranges

| Crime Category  | Detail description                                             | Felony classes | Number of prison releases |
|-----------------|----------------------------------------------------------------|----------------|---------------------------|
| HOMICIDE        |                                                                |                |                           |
|                 | 1ST DEGREE MURDER                                              | 1              | 17                        |
|                 |                                                                | 2              | 15                        |
|                 |                                                                | 4              | 2                         |
|                 | 2ND DEGREE MURDER - HEAT OF PASSION                            | 3              | 3                         |
|                 |                                                                | 4              | 1                         |
|                 | 2ND DEGREE MURDER                                              | 2              | 19                        |
|                 |                                                                | 3              | 11                        |
|                 | CHILD ABUSE – DEATH                                            | 2              | 5                         |
|                 | CHILD ABUSE – DEATH NEGLIGENCE                                 | 3              | 4                         |
|                 | HOMICIDE – CRIMINALLY NEGLIGENT                                | 5              | 8                         |
|                 | HOMICIDE – VEHICULAR                                           | 3              | 16                        |
|                 |                                                                | 4              | 20                        |
|                 | MANSLAUGHTER                                                   | 4              | 16                        |
|                 |                                                                | 5              | 1                         |
| ASSAULT, KIDNAP |                                                                |                |                           |
|                 | 1ST DEGREE ASSAULT                                             | 3              | 43                        |
|                 |                                                                | 4              | 13                        |
|                 | 1ST DEGREE ASSAULT – AT-RISK (HEAT OF PASSION)                 | 4              | 1                         |
|                 | 1ST DEGREE ASSAULT (PASSION)                                   | 5              | 8                         |
|                 | 2ND DEGREE ASSAULT – SERIOUS INJURY DURING ANOTHER CRIME       | 3              | 2                         |
|                 |                                                                | 4              | 1                         |
|                 | 2ND DEGREE ASSAULT                                             | 4              | 220                       |
|                 |                                                                | 5              | 53                        |
|                 |                                                                | 5              | 1                         |
|                 | 2ND DEGREE ASSAULT – AT-RISK                                   | 3              | 2                         |
|                 | 2ND DEGREE ASSAULT (PASSION)                                   | 6              | 17                        |
|                 | 3RD DEGREE ASSAULT (AT-RISK)                                   | 6              | 22                        |
|                 | CHILD ABUSE – SERIOUS INJURY                                   | 3              | 8                         |
|                 |                                                                | 4              | 1                         |
|                 | CHILD ABUSE – SERIOUS INJURY NEGLIGENCE                        | 4              | 38                        |
|                 |                                                                | 5              | 2                         |
|                 | ENTICEMENT OF A CHILD                                          | 4              | 3                         |
|                 | FALSE IMPRISONMENT – FORCE OR THREAT OF FORCE 12 HRS OR LONGER | 5              | 2                         |
|                 |                                                                | 6              | 3                         |
|                 | HABITUAL DOMESTIC VIOLENCE                                     | 5              | 8                         |
|                 | KIDNAPPING 1ST DEGREE (UNHARMED)                               | 2              | 1                         |
|                 |                                                                | 3              | 1                         |
|                 | KIDNAPPING 2ND DEGREE                                          | 2              | 9                         |
|                 |                                                                | 3              | 5                         |
|                 |                                                                | 4              | 24                        |
|                 |                                                                | 5              | 7                         |
|                 | MENACING                                                       | 5              | 418                       |
|                 |                                                                | 6              | 41                        |
|                 | VEHICULAR ASSAULT – UNDER INFLUENCE OF ALC/DRUGS               | 4              | 27                        |
|                 | VEHICULAR ASSAULT                                              | 5              | 26                        |

| Crime Category    | Detail description                                             | Felony classes | Number of prison releases |
|-------------------|----------------------------------------------------------------|----------------|---------------------------|
| <b>SEX CRIMES</b> |                                                                |                |                           |
|                   | INCEST                                                         | 3              | 2                         |
|                   |                                                                | 4              | 1                         |
|                   |                                                                | 5              | 1                         |
|                   | INDECENT EXPOSURE TO A PERSON < 15 YRS. (3RD CONVICTION)       | 6              | 5                         |
|                   | INTERNET LURING OF A CHILD                                     | 5              | 1                         |
|                   |                                                                | 6              | 2                         |
|                   | PANDERING                                                      | 6              | 1                         |
|                   | PANDERING A CHILD                                              | 4              | 1                         |
|                   | PIMPING                                                        | 3              | 1                         |
|                   | PROSTITUTION KNOWLEDGE BEING INFECTED                          | 6              | 3                         |
|                   | SEX OFFENDER – FAILURE TO REGISTER                             | 6              | 97                        |
|                   |                                                                | 5              | 13                        |
|                   | SEXUAL ASSAULT – CAUSES SUBMISSION OF THE VICTIM               | 4              | 5                         |
|                   |                                                                | 5              | 15                        |
|                   | SEXUAL ASSAULT – INCAPABLE OF APPRAISING VICTIM'S CONDUCT      | 4              | 1                         |
|                   |                                                                | 5              | 4                         |
|                   | SEXUAL ASSAULT – PHYSICAL FORCE OR VIOLENCE                    | 3              | 3                         |
|                   |                                                                | 4              | 1                         |
|                   | SEXUAL ASSAULT – VICTIM LESS THAN 15 YRS AND ACTOR 4 YRS OLDER | 4              | 1                         |
|                   |                                                                | 5              | 3                         |
|                   | SEXUAL ASSAULT                                                 | 4              | 3                         |
|                   |                                                                | 5              | 2                         |
|                   | SEXUAL ASSAULT 1ST DEGREE                                      | 2              | 4                         |
|                   |                                                                | 3              | 14                        |
|                   |                                                                | 4              | 2                         |
|                   | SEXUAL ASSAULT 2ND DEGREE                                      | 4              | 10                        |
|                   |                                                                | 5              | 2                         |
|                   | SEXUAL ASSAULT 3RD DEGREE – AT RISK VICTIM                     | 6              | 1                         |
|                   | SEXUAL ASSAULT 3RD DEGREE                                      | 4              | 1                         |
|                   |                                                                | 5              | 3                         |
|                   | SEXUAL ASSAULT ON A CHILD BY ONE IN POSITION OF TRUST          | 3              | 23                        |
|                   |                                                                | 4              | 14                        |
|                   |                                                                | 5              | 29                        |
|                   | SEXUAL ASSAULT ON A CHILD                                      | 3              | 13                        |
|                   |                                                                | 4              | 39                        |
|                   |                                                                | 5              | 100                       |
|                   | SEXUAL CONDUCT IN PENAL INSTITUTION                            | 5              | 3                         |
|                   |                                                                | 6              | 1                         |
|                   | SEXUAL CONTACT – INDUCES COERCES TO EXPOSE INTIMATE PARTS      | 5              | 2                         |
|                   | SEXUAL CONTACT – KNOWS THE VICTIM DOES NOT CONSENT             | 5              | 3                         |
|                   | SEXUAL CONTACT – OTHER THAN BONA FIDE MEDICAL PURPOSE          | 5              | 1                         |
|                   | SEXUAL CONTACT – VICTIM INCAPABLE OF APPRAISING CONDUCT        | 5              | 1                         |
|                   | SEXUAL EXPLOITATION CHILD                                      | 3              | 6                         |
|                   |                                                                | 4              | 6                         |
|                   |                                                                | 5              | 1                         |
|                   |                                                                | 6              | 2                         |
|                   | SOLICITATION CHILD PROSTITUTION                                | 3              | 1                         |
|                   |                                                                | 4              | 1                         |

| Crime Category        | Detail description                                        | Felony classes | Number of prison releases |
|-----------------------|-----------------------------------------------------------|----------------|---------------------------|
| ROBBERY, EXTORTION    |                                                           |                |                           |
|                       | AGGRAVATED ROBBERY                                        | 3              | 98                        |
|                       |                                                           | 4              | 40                        |
|                       | CRIMINAL EXTORTION                                        | 4              | 6                         |
|                       | ROBBERY                                                   | 4              | 111                       |
|                       |                                                           | 5              | 23                        |
|                       | ROBBERY FROM AT-RISK                                      | 3              | 2                         |
|                       |                                                           | 4              | 1                         |
| BURGLARY              |                                                           |                |                           |
|                       | 1ST DEGREE BURGLARY                                       | 3              | 22                        |
|                       |                                                           | 4              | 11                        |
|                       | 2ND DEGREE BURGLARY                                       | 4              | 173                       |
|                       |                                                           | 5              | 21                        |
|                       | 2ND DEGREE BURGLARY OF DRUGS                              | 3              | 2                         |
|                       |                                                           | 4              | 1                         |
|                       | 2ND DEGREE BURGLARY OF DWELLING                           | 3              | 124                       |
|                       |                                                           | 4              | 30                        |
|                       | 3RD DEGREE BURGLARY                                       | 5              | 15                        |
|                       |                                                           | 6              | 3                         |
|                       | POSSESSION OF BURGLARY TOOLS                              | 5              | 16                        |
|                       |                                                           | 6              | 5                         |
| THEFT, FORGERY, FRAUD |                                                           |                |                           |
|                       | 1ST DEGREE FORGERY                                        | 4              | 1                         |
|                       | COMPUTER CRIME >15K                                       | 3              | 1                         |
|                       | COMPUTER CRIME >500 <15K                                  | 4              | 1                         |
|                       |                                                           | 5              | 1                         |
|                       | CONCEALMENT REMOVAL SECURED PROPERTY                      | 5              | 1                         |
|                       | CRIMINAL IMPERSONATION                                    | 6              | 144                       |
|                       | CRIMINAL POSSESSION FORGERY DEVICE                        | 6              | 8                         |
|                       | CRIMINAL POSSESSION OF FINANCIAL DEVICE 2 OR MORE DEVICES | 6              | 6                         |
|                       | CRIMINAL POSSESSION OF FINANCIAL DEVICE 4 OR MORE DEVICES | 5              | 3                         |
|                       | FALSE INFORMATION PAWNBROKER                              | 5              | 1                         |
|                       |                                                           | 6              | 28                        |
|                       | FORGERY                                                   | 5              | 117                       |
|                       |                                                           | 6              | 13                        |
|                       | FRAUD AND OTHER PROHIBITED CONDUCT-SECURITIES             | 3              | 4                         |
|                       |                                                           | 4              | 1                         |
|                       | FRAUD BY CHECK                                            | 6              | 12                        |
|                       | IDENTITY THEFT                                            | 4              | 25                        |
|                       |                                                           | 5              | 1                         |
|                       | POSSESSION 1ST DEGREE FORGED INSTRUMENT                   | 6              | 15                        |
|                       | POSSESSION FINANCIAL TRANS DEVICE - FOUR OR MORE DEVICES  | 5              | 1                         |
|                       | POSSESSION FINANCIAL TRANS DEVICE                         | 6              | 1                         |
|                       | POSSESSION OF ID THEFT TOOLS                              | 5              | 1                         |
|                       | THEFT >15K                                                | 3              | 48                        |
|                       |                                                           | 4              | 10                        |
|                       | THEFT >500 <15K                                           | 4              | 354                       |
|                       |                                                           | 5              | 85                        |

| Crime Category                | Detail description                                          | Felony classes | Number of prison releases |
|-------------------------------|-------------------------------------------------------------|----------------|---------------------------|
| THEFT, FORGERY, FRAUD (Cont.) |                                                             |                |                           |
|                               | THEFT >\$500 <\$15000 (TWICE)                               | 4              | 5                         |
|                               |                                                             | 5              | 2                         |
|                               | THEFT FROM A PERSON                                         | 5              | 23                        |
|                               |                                                             | 6              | 26                        |
|                               | THEFT FROM AT-RISK PERSON <500                              | 5              | 2                         |
|                               | THEFT FROM AT-RISK PERSON >500                              | 3              | 4                         |
|                               |                                                             | 4              | 1                         |
|                               | THEFT FROM AT-RISK PERSON (NO FORCE)                        | 4              | 2                         |
|                               | THEFT OF MEDICAL RECORDS/INFORMATION                        | 6              | 4                         |
|                               | THEFT RECEIVING >15K                                        | 3              | 9                         |
|                               |                                                             | 4              | 3                         |
|                               | THEFT RECEIVING >500 – FENCING                              | 3              | 1                         |
|                               | THEFT RECEIVING >500 <15000                                 | 4              | 74                        |
|                               |                                                             | 5              | 21                        |
|                               | THEFT RENTAL PROPERTY (TWICE) >15K                          | 4              | 1                         |
|                               | THEFT RENTAL PROPERTY (TWICE) >400<15K                      | 6              | 1                         |
|                               |                                                             | 5              | 5                         |
|                               | UNAUTHORIZED USE OF FINANCIAL DEVICE >500 <15K              | 5              | 6                         |
|                               |                                                             | 6              | 3                         |
| MOTOR VEHICLE THEFT           |                                                             |                |                           |
|                               | AGGRAVATED MOTOR VEHICLE THEFT-2ND DEG >=15K                | 5              | 14                        |
|                               |                                                             | 6              | 2                         |
|                               | AGGRAVATED MOTOR VEHICLE THEFT-2ND DEG >=500 <15K           | 6              | 65                        |
|                               | AGGRAVATED MOTOR VEHICLE THEFT <15K                         | 4              | 107                       |
|                               |                                                             | 5              | 41                        |
|                               | AGGRAVATED MOTOR VEHICLE THEFT >15K                         | 3              | 20                        |
|                               |                                                             | 4              | 7                         |
|                               | STOLEN MOTOR VEHICLE PARTS                                  | 5              | 1                         |
|                               | TAMPERING WITH MOTOR VEHICLE >=500< 15K                     | 5              | 1                         |
| DRUG CRIMES                   |                                                             |                |                           |
|                               | CHILD ABUSE-MANUFACTURE CONTROLLED SUBSTANCE IN PRESENCE OF | 3              | 3                         |
|                               | CONTROL SUBSTANCE FRAUD & DECEIT                            | 5              | 9                         |
|                               |                                                             | 6              | 5                         |
|                               | CONTROLLED SUBSTANCE VIOLATION                              | 3              | 5                         |
|                               |                                                             | 4              | 1                         |
|                               | CULTIVATE MARIJUANA                                         | 4              | 9                         |
|                               | DIST/MANF/DISP/SALE I-II                                    | 3              | 355                       |
|                               |                                                             | 4              | 78                        |
|                               | DIST/MANF/DISP/SALE I-II(REPEAT)                            | 2              | 16                        |
|                               |                                                             | 3              | 21                        |
|                               |                                                             | 4              | 1                         |
|                               | DIST/MANF/DISP/SALE III                                     | 4              | 21                        |
|                               |                                                             | 5              | 1                         |
|                               | DIST/MANF/DISP/SALE IV                                      | 5              | 18                        |
|                               |                                                             | 6              | 1                         |

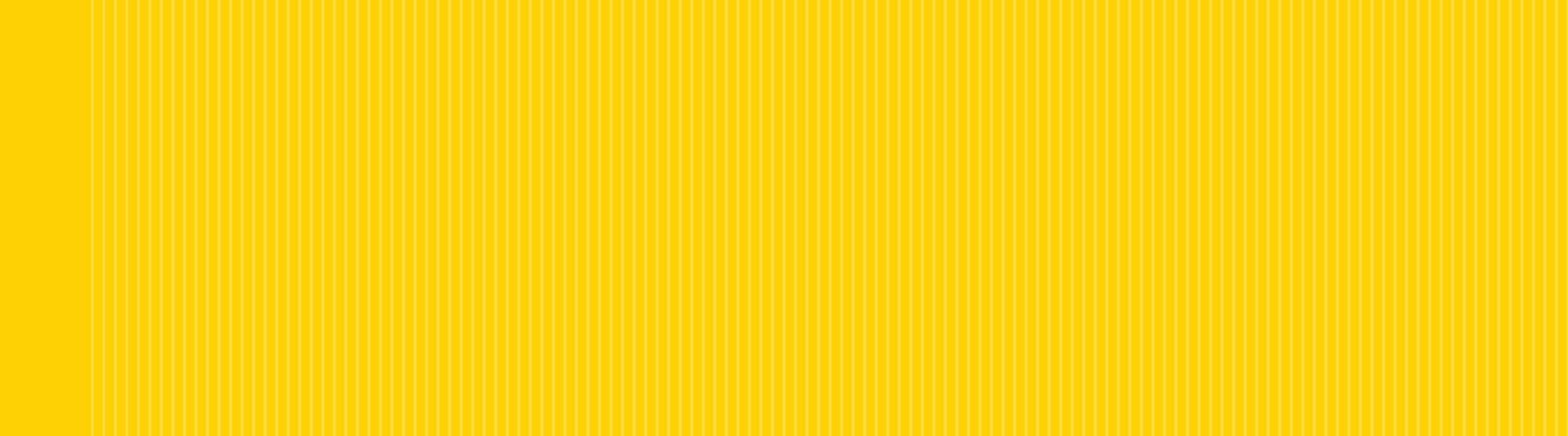
| Crime Category             | Detail description                                                    | Felony classes | Number of prison releases |
|----------------------------|-----------------------------------------------------------------------|----------------|---------------------------|
| <b>DRUG CRIMES (cont.)</b> |                                                                       |                |                           |
|                            | DIST/MANF/DISP/SALE MARIJ                                             | 4              | 25                        |
|                            |                                                                       | 5              | 8                         |
|                            | DIST/MANF/DISP/SALE MARIJ (REPEAT)                                    | 3              | 1                         |
|                            |                                                                       | 4              | 2                         |
|                            | IMITATION CONTROL SUBSTANCE                                           | 5              | 4                         |
|                            |                                                                       | 6              | 5                         |
|                            | IMITATION CONTROL SUBSTANCE (REPEAT)                                  | 4              | 1                         |
|                            | IMITATION CONTROL SUBSTANCE <018 YR                                   | 4              | 1                         |
|                            | POSS MARIJUANA >=8 OZ                                                 | 5              | 31                        |
|                            |                                                                       | 6              | 7                         |
|                            | POSS MARIJUANA >=8 OZ (REPEAT)                                        | 4              | 1                         |
|                            | POSSESSION I-II                                                       | 3              | 39                        |
|                            |                                                                       | 4              | 18                        |
|                            | POSSESSION I-II (REPEAT)                                              | 2              | 3                         |
|                            |                                                                       | 3              | 5                         |
|                            | POSSESSION I-IV 1 GRAM OR LESS                                        | 6              | 387                       |
|                            | POSSESSION I-IV 1 GRAM OR LESS PRIOR CONVICTION                       | 4              | 21                        |
|                            |                                                                       | 5              | 4                         |
|                            | POSSESSION II                                                         | 4              | 493                       |
|                            |                                                                       | 5              | 51                        |
|                            | POSSESSION III                                                        | 4              | 8                         |
|                            | POSSESSION IV                                                         | 5              | 33                        |
|                            |                                                                       | 6              | 4                         |
|                            | POSSESSION IV (REPEAT)                                                | 4              | 3                         |
|                            | TRANSFER/DISPENSE TO < 15 YR                                          | 4              | 1                         |
|                            | UNLAWFUL POSSESSION OF MATERIALS TO MAKE METHAMPHETAMINE              | 3              | 3                         |
|                            |                                                                       | 4              | 5                         |
|                            | UNLAWFUL USE CONTROLLED SUBSTANCE                                     | 5              | 10                        |
|                            |                                                                       | 6              | 26                        |
|                            | UNLAWFUL USE OF MARIJUANA IN DETENTION FACILITY                       | 6              | 1                         |
| <b>ESCAPE</b>              |                                                                       |                |                           |
|                            | AIDING ESCAPE                                                         | 3              | 1                         |
|                            |                                                                       | 4              | 1                         |
|                            | AIDING ESCAPE MENTAL INSTITUTION                                      | 6              | 1                         |
|                            | ATTEMPTED ESCAPE                                                      | 4              | 2                         |
|                            | ATTEMPTED ESCAPE WHILE IN CUSTODY AND HELD FOR OR CHARGED WITH FELONY | 5              | 263                       |
|                            | ATTEMPTED ESCAPE WHILE IN CUSTODY FOLLOWING CONVICTION OF FELONY      | 4              | 207                       |
|                            |                                                                       | 5              | 26                        |
|                            | ESCAPE                                                                | 3              | 52                        |
|                            |                                                                       | 4              | 146                       |
|                            |                                                                       | 5              | 68                        |
|                            |                                                                       | 6              | 4                         |
|                            | ESCAPE INSANITY LAW                                                   | 5              | 11                        |
|                            |                                                                       | 6              | 5                         |
|                            | ESCAPE PURSUANT TO EXTRADITION                                        | 5              | 12                        |

| Crime Category | Detail description                                           | Felony classes | Number of prison releases |
|----------------|--------------------------------------------------------------|----------------|---------------------------|
| <b>OTHER</b>   |                                                              |                |                           |
|                | 1ST DEGREE ARSON                                             | 3              | 6                         |
|                |                                                              | 4              | 2                         |
|                | 1ST DEGREE CRIMINAL TRESPASSING                              | 5              | 219                       |
|                |                                                              | 6              | 73                        |
|                | 1ST DEGREE PERJURY                                           | 4              | 1                         |
|                | 2ND DEGREE ARSON                                             | 4              | 3                         |
|                |                                                              | 5              | 1                         |
|                | 2ND DEGREE CRIMINAL TRESPASSING                              | 4              | 8                         |
|                |                                                              | 5              | 1                         |
|                | 3RD DEGREE ARSON                                             | 4              | 1                         |
|                | 3RD DEGREE CRIMINAL TRESPASSING                              | 5              | 4                         |
|                | 4TH DEGREE ARSON                                             | 4              | 5                         |
|                | ACCESSORY TO CRIME-CHARGE CLASS 1 OR 2                       | 4              | 1                         |
|                | ACCESSORY TO CRIME-HARBORING AFELON                          | 4              | 9                         |
|                |                                                              | 5              | 1                         |
|                | ACCESSORY TO CRIME                                           | 4              | 2                         |
|                |                                                              | 5              | 2                         |
|                | ACCESSORY TO NONVIOLENT CRIME                                | 6              | 2                         |
|                | AGGRAVATED CRIMINAL MISCHIEF                                 | 3              | 4                         |
|                |                                                              | 4              | 2                         |
|                | ANIMAL FIGHTING                                              | 5              | 1                         |
|                | ATTEMPT TO INFLUENCE PUBLIC SERVANT                          | 4              | 3                         |
|                | CONTRIBUTING DELINQUENCY MINOR                               | 4              | 50                        |
|                |                                                              | 5              | 9                         |
|                | CRIMINAL ATTEMPT                                             | 5              | 1                         |
|                | CRIMINAL MISCHIEF                                            | 4              | 43                        |
|                |                                                              | 5              | 15                        |
|                | CRIMINAL NEGLIGENCE-AT-RISK PERSON                           | 6              | 1                         |
|                | DISARMING PEACE OFFICER                                      | 5              | 2                         |
|                |                                                              | 6              | 1                         |
|                | DRIVING AFTER JUDGEMENT                                      | 6              | 191                       |
|                | ENDANGERING PUBLIC TRANSPORTATION                            | 3              | 1                         |
|                | ENGAGING IN RIOT                                             | 4              | 2                         |
|                | FALSE REPORT EXPLOSIVES                                      | 6              | 1                         |
|                | HARASSEMENT/STALKING                                         | 4              | 11                        |
|                |                                                              | 5              | 26                        |
|                |                                                              | 6              | 9                         |
|                | ILLEGAL DISCHARGE OF FIREARM                                 | 5              | 6                         |
|                |                                                              | 6              | 2                         |
|                | INTIMIDATION WITNESS/VICTIM                                  | 4              | 5                         |
|                |                                                              | 5              | 2                         |
|                | INTRODUCING CONTRABAND                                       | 4              | 16                        |
|                |                                                              | 5              | 6                         |
|                |                                                              | 6              | 5                         |
|                | LEAVING SCENE OF ACCIDENT RESULTING IN DEATH                 | 4              | 5                         |
|                | LEAVING SCENE OF ACCIDENT RESULTING IN SERIOUS BODILY INJURY | 5              | 6                         |
|                |                                                              | 6              | 1                         |
|                | CRUELTY TO ANIMALS                                           | 6              | 2                         |

| Crime Category       | Detail description                                           | Felony classes | Number of prison releases |
|----------------------|--------------------------------------------------------------|----------------|---------------------------|
|                      | ORGANIZED CRIME CONTROL ACT                                  | 2              | 13                        |
| <b>OTHER (cont.)</b> |                                                              |                |                           |
|                      | POSS ILLEGAL/DANG WEAPON                                     | 5              | 6                         |
|                      |                                                              | 6              | 1                         |
|                      | POSS WEAPON PREVIOUS OFFENDER                                | 4              | 2                         |
|                      |                                                              | 5              | 20                        |
|                      |                                                              | 6              | 80                        |
|                      | POSS/USE/EXPL OR INCEND DEVICES                              | 4              | 2                         |
|                      |                                                              | 5              | 1                         |
|                      | POSSESSION CONTRABAND 1ST DEGREE                             | 4              | 6                         |
|                      |                                                              | 5              | 1                         |
|                      |                                                              | 6              | 6                         |
|                      | POSSESSION OF EXPLOSIVES                                     | 5              | 1                         |
|                      | POSSESSION OF HANDGUN BY JUVENILE (TWICE)                    | 5              | 1                         |
|                      | RETALIATION AGAINST VICTIM/WITNESS                           | 3              | 1                         |
|                      |                                                              | 4              | 2                         |
|                      | RIOTS IN DETENTION FACILITIES                                | 5              | 4                         |
|                      | SMUGGLING OF HUMANS                                          | 3              | 2                         |
|                      |                                                              | 4              | 3                         |
|                      | TAMPERING WITH PHYSICAL EVIDENCE                             | 6              | 6                         |
|                      | TAMPERING WITH WITNESS/VICTIM                                | 4              | 5                         |
|                      | UNAUTHORIZED RESIDENCY BY PAROLEE OR PROB FROM ANOTHER STATE | 5              | 1                         |
|                      | USE OF STUN GUNS                                             | 5              | 1                         |
|                      | VEHICULAR ELUDING-BODILY INJURY                              | 4              | 11                        |
|                      | VEHICULAR ELUDING-DEATH                                      | 3              | 3                         |
|                      | VEHICULAR ELUDING                                            | 5              | 105                       |
|                      |                                                              | 6              | 12                        |
|                      | VIOLATION OF BAIL BOND                                       | 6              | 16                        |

**Source:** Data provided by Office of Planning and Analysis, Colorado Department of Corrections. (2008). Analysis by Colorado Division of Criminal Justice, Office of Research and Statistics.





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